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RICHARD W. NAGET, CLERK OF COURT

FOR THE SOUTHERN DISTRICT OF OHIO

GWANJUN KIM 10160 Carr Rd Jeffersonville, OH 43128

2:18CV0029

Plaintiff,

Case No.

COMPLAINT

Judge Graham

Vs.

MAGISTRATE JUDGE VASCURA

1 campus drive Allendale Michigan 49401

Defendants

EDWARD J BARDELLI; GREGORY M. KILBY

Defendants

900 Fifth Third Center 111 Lyon Street N.W. Grand Rapids, MI 49503 (616)752-2712

COMPLAINT

JURISDICTIONAL STATEMENT

Plaintiff is re-filling Complaint the claim that the issues were statute of limitation at the United States District Court Western Michigan Case no 16-2321that the United States Court of Appeal for The Sixth Circuit Case no 16-2321ordered that on December 22, 2017"we VACATE the district court's judgment and REMAND to the district court [of Michigan] to dismiss this case for lack of subject-matter jurisdiction *See*. Exhibit A. "Shall be tolled while the claim is pending and for a period of 30 days after it is dismissed" 28 U.S. Code § 1367(d).

On January, 9 2018 the re-filing will relate back to the original filing that is, the re-filed lawsuit will be treated as though it was filed on the original filing date on March 28, 2016. Accordingly, the plaintiff will not be barred from seeking relief based on the same claims defendants violated of under Federal Rule of Civil Procedure 9(b) and involving questions of False Claim Act, 31 U.S.C. § 3729(a)(1)(B)and will be allowed to pursue his claims despite the re-filed lawsuit being outside of the statute of limitations period. *See Sharp Bros. Contr. v. Westvaco Corp.*, 817 P.2d 547 (Colo. App. 1991).

This Court has Supplemental jurisdiction 28 U.S. Code § 1367 over the case. It can be hear cases that involving a dispute among resident of different state; Most *Kim III* defendants are citizen of the State of Michigan. No defendants are a citizen

of the same state as any plaintiff pursuant to 28 U.S.C. § 1332. Plaintiff is seeking damages demand amount of \$5,000,000.00 each defendant 31 U.S. Code § 3729 (b)(2)(A) and demand amount \$ fifty-five (55) Million total.

Plaintiff has any corporate ownership and pleads grounds for relief under 9(b), and state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6), and plead fraud with particularity under Federal Rule of Civil Procedure 9(b)

INTRODUCTION

A. Plaintiff

1. Plaintiff GWANJUN KIM is a citizen of the United States and a resident of the State of Ohio, County of Clinton.

In Marsh, 2011 Kim filed against defendants named in *Kim v. Grand Valley State University.*,(*Kim I*) the United State District Court Western Michigan case # 1:11-cv-00233. The United States Court of Appeal for the Six Circuit 12-01401, 12-02407, 13-02354. (*Kim I*)

Thomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A. Williams; George Grant; Lois smith Owens; Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of Community and Public Service Nine(9) defendants

The district court finds that dismiss Kim's § 1983 and Title VI claim for failure to state a claim upon which relief can be granted: the *Kim I* Defendants "to correct the miscalculation¹ "and "follow the Grand Valley University (their)Rules²

On March, 28 2016, ("Kim II") brought a False Claim Act, 31U.S.C. § 3730(b)(1) A person may bring a civil action for a violation of section 3729 for the person. Kim filed against defendants named in Kim v. Grand Valley State

University.,(Kim II) the United State District Court Western Michigan case No. 1:16-CV-309.

B. Eleven (11). Kim II Defendants

2. (1) Defendants Grand Valley States University(GVSU); (2)Grand Valley State University College of Education (GVSU COE);(3) Grand Valley State University College of Community and Public Service (GVSU COCOP);(4) President GVSU Tomas J. Haas (Haas);(5) Dean of GVSU COE Elaine C. Collins (Collins); (6)Chair of the GVSU COE Paula Lancaster(Lancaster);(7) GVSU COE professor Olivia A Williams(Williams); and(8) Dean of GVSU COCOP George Grant Jr.(Grant);(9) GVSU COCOP Instructor Lois Smith Owens (Owens);(10) Attorney Defendant Edward J Bardelli (P53849) (Bardelli); and(11) Attorney Defendant Gregory M. Kilby(P68266)(Kilby) eleven (11) defendants. *Kim II* defendants.

Count I Three lesbian and a gay Defendants were refused, the school record suggests that correctly calculation his Ed 635grades, 700 point pulse 304point is 1004 points (700+304=1004) The defendants; the College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700points grade of "C", because his is not lesbians, or gay Muslim, black, white, or he is an Korean-American. Amended Compl. at ¶¶ ¶5abc, 6abcdd,7.

Count II.; Defendants Collins, Haas refused complies with the GVSU Rule readmission application. The GVSU Rule that the defendants must accept readmission application from one year academic probation. The defendants were not comply the Rule because his is not lesbians, Muslim, black, white, or Muslim. or Korean-American. American Compl. at ¶ 8,8abc,10.

Count III Defendants was refused the Defendant Owens-black lesbian Corruption Hearing Amended Compl. at ¶6, 7,8,12 Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens

Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of community and Public Service

August 19, 2016 the district court finds granted Defendants' Motion to dismiss that Kim's False Claim Act, 31 U.S.C. § 3729(a)(1)(B) that this caused claims for Kim II judgment appeal to Six circuit Court. On December 22, 2017 the Sixth court of appeal Case no 16-2321 finds that "we VACATE the district court's judgment³ and REMAND to the district court to dismiss this case for lack of subject-matter jurisdiction" (Exhibit A)

On January 2018, ("Kim III") RE-brought a False Claim Act, 31U.S.C. § 3730(b)(1) again, "A person may bring a civil action for a violation of section 3729 for the person" 31U.S.C. § 3730(b)(1). Kim filed against defendants named in Kim v. Grand Valley State University.,(Kim II) the United State District Court Western Indiana. In this case, plaintiff could submit a new complaint with a valid claim and continue to adjudicate.

C. Eleven (11) Kim III Defendants

(1) Grand Valley States University(GVSU); (2) Grand Valley State University College of Education (GVSU COE); (3) Grand Valley State University College of Community and Public Service (GVSU COCOP); (4) President GVSU Tomas J. Haas (Haas); (5) Dean of GVSU COE Elaine C. Collins (Collins); (6) Chair of the GVSU COE Paula Lancaster(Lancaster); (7) GVSU COE professor Olivia A Williams (Williams); and (8) Dean of GVSU COCOP George Grant Jr. (Grant); (9) GVSU COCOP Instructor Lois Smith Owens (Owens) Kim III defendants.

1 campus drive Allendale Michigan 49401

(10) Attorney Defendant Edward J Bardelli (P53849) (Bardelli); and(11) Attorney

August 19, 2016 Judgment was favor of all named defendants and against Plaintiff GwanJun Kim.

Defendant Gregory M. Kilby(P68266)(Kilby) eleven (11) defendants. *Kim III* defendants as same as *Kim II* defendants

900 Fifth Third Center 111 Lyon Street N.W. Grand Rapids, MI 49503-2487

Plaintiff GWANJUN KIM alleges as follows:

Kim III, Defendants over Seven (7) years AND the thirteenth [fourteenth] times" violated at Title 28 App Federal Title Rule 9. Federal Rules of Civil Procedure at the United State District Court Western Michigan case # 1:11-cv-00233. ("Kim I") Articulate the appropriate rule 9(b) standard for claims alleging a widespread scheme to commit fraud and submit false claims demanded sum \$55 million exclusive of interest and costs.

Kim asserts that this shame caused of the claim for defendants'

D. CAUSE OF ACTION

31U.S.C. § 3730 Civil Action for False Claim Act

COUNT I.

Kim I, II, III, Defendants Grand Valley State University el., al "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that the U.S. Marshals Record indicated that the U.S. Marshal Christine Elmy (b)(7)(C) actually mailed eighteenth(18)of the USM Form-299 Receipt of Summons and complaint to nine (9)Defendants (Exhibit C)that On March 28, 2011 that "Kim I [nine (9)] defendants has not been serve "(Order Kim II, ECF No. 34 p.2)(Exhibit B)

Kim alleges that Kim "pleads with particularity" that Grand Valley State University el., al "knowingly makes, statement material to a false or fraudulent claim." 31 U.S.C. § 3729(a)(1)(B) at

the United State District Court Western Michigan case # 1:11-cv-00233,(Kim I) 1:16-cv-00309-PLM-PJG and United States Court of Appeal for the Six Circuit 12-1401, 12-02407, and 13-02354(Kim I) The Kim I and Kim II Judge Jonker belied by defendants

the thirteenth [fourteenth] times" "false statement made by a. defendant⁶"that "claim was submitted" Indifference on August 19, 2016 Chief Judge Jonker order that "[on March 28,2011" Kim I [nine (9)] defendants has not been serve "(Order Kim II, ECF No. 34 p.2)(Exhibit B)8, as to its truth March 28, 2011defendants has been serve but Defendants had NEVER been returned the USM Form-299 Receipt of Summons to the Court. To See, Exhibit C p.1, 8, 11,14, 17,20, 23, 26 and 4 (9defendants)

Defendants "allegedly false statement made by defendant9" that the Clerk's office issued Summons to all defendants on Marsh 25, 2011. Fifty eight (58) days later, on May 18, 2011, and eighty four (84days) later June 16, 2011, the U.S.

See. United States v. Cline, 362 F.3d 343,348 (6th Cir. 2004)

Kim II, Defendants argued defendants' motion to dismiss that "This is the thirteenth times this that Kim has brought before the Court the issue (Kim II, ECF No. 32 p.2).

Allegedly false statement made by defendants. Thus, the connection between false statement and claim submitted to government[Court]remains "too attenuated to establish liability." See Allison Engine Co., 553 U.S. at 671-72

[&]quot;has pled facts which support a strong inference that a claim was submitted." Prather, 838 F.3d at 769 (quoting chesbrough v. VPA, P.C., 655 F.3d 461, 471 (6th Cir. 2011) Exhibit C p.1, 8,11,14,17,20,23, 26 (8defendants)

Allegedly false statement made by defendants. Thus, the connection between false statement and claim submitted to government[Court]remains "too attenuated to establish liability." See Allison Engine Co., 553 U.S. at 671-72

Marshals mailed the nine(9)Summons, nine (9) complaint and the eight (9)USM Form-299 *Receipt of Summons* to nine(9) defendants *See.* Exhibit C p 3, 8, 11,14, 17,20, 23, 26 and 4(9defendants) or Exhibit D.

,as to its truth, the Clerk's office issued Summons to all defendants on Marsh 25, 2011. Three days later, on March 28, 2011 the U.S. Marshals mailed the nine(9)Summons, nine (9) complaint and the eight (8)USM Form-299 *Receipt of Summons* to nine(9) defendants *See*. Exhibit C p. 7, 10,13,16,19, 22, 25, and June 16, 2011 defendant Lois Smith Owens has been serve by the U.S. Marshals. *See*. Exhibit C p. 8

The U.S. Marshals Record indicated that the U.S. Marshal Christine Elmy (b)(7)(C) actually mailed eighteenth(18)of the USM Form-299 *Receipt of Summons* to nine (9)Defendants see. Exhibit C because defendants had NEVER been returned the USM Form-299 *Receipt of Summons* to the Court. Exhibit C p.1, 8, 11, 14, 17, 20, 23, 26 and 6

Kim I the nine (9) defendants' eighteen (18) USM Form-299 Receipt of Summons addresses are same as

Thomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A. Williams; George Grant; Lois smith Owens; Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of Community and Public Service Nine(9)defendants.

1 campus drive Allendale Michigan 49401. See. Exhibit C.

b. Defendants "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B) that "claim was submitted" Indifference August 19, 2016 Kim I, II Judge Jonker ordered that "Their answer- waived service [defendants Answered Seventy-one (71) days later 11 June 3, 2011] -was therefore timely [within 21days 12]" (Order Kim II, ECF No. 34 p.2)

,as to its truth March 28, 2011defendants has been serve but Defendants had NEVER been returned the USM Form-299 *Receipt of Summons* to the Court. To *See*, Exhibit C p.1, 8, 11,14, 17,20, 23, 26(defendants) and defendants Answered Seventy-one (71) days later ¹³ June 3, 2011 was therefore untimely[within 21days¹⁴]". The *Kim I, Kim II* Judge Jonker had been maliciously denied *Kim I*, Application for entry of default and default Judgment. Kim has "establish liability" ¹⁵ *See Allison Engine Co.*, 553 U.S. at 671-72. The U.S. Sixth Court of appeal "VACATE the district court's judgment and REMAND to the district Court…"This is evidence that "defendants is liable for the misconduct alleged *Id*".

c. Defendants "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B) that on December 18, 2017 the U.S. Marshal service William E.

[&]quot;has pled facts which support a strong inference that a claim was submitted." Prather, 838 F.3d at 769 (quoting chesbrough v. VPA, P.C., 655 F.3d 461, 471 (6th Cir. 2011)

ii On March 25, 2011 the court issued Summons and delivered to US. Marshals service. June 3, 2011 defendants answered to complaint (Exhibit D)

Rule 12(a)(1)(A)(i)A defendant must serve an answer within 21 days after being served with the summons and complaint.

¹³ On March 25, 2011 the court issued Summons and delivered to US. Marshals service. June 3, 2011 defendants answered to complaint (Exhibit

D)

14 Rule 12(a)(1)(A)(i)A defendant must serve an answer within 21 days after being served with the summons and complaint.

15 Allegedly false statement made by defendants. Thus, the connection between false statement and claim submitted to

government[Court]remains "too attenuated to establish liability." See Allison Engine Co., 553 U.S. at 671-72

Bordley indicated that "Name of Marshals Service personal [U.S. Marshal Christine Elmy (b)(7)(C)] and third party [Kim I defendant Edward J. Bardelli] have been deleted" the Exhibit C and D. see. at Exhibit E. which is evidence of the "defendants is liable for the misconduct alleged Id".

Kim had been requests Freedom of information to U.S. Marshals "pertaining to 1:11-cv-00233[Kim I] and 1: 16-CV-00309-PLM-PJG[Kim II] that On December 18, 2017 FOIPA Office of General Counsel¹⁷that "Name of Marshals Service personal [U.S. Marshal Christine Elmy (b)(7)(C)] and third party [Kim I defendant Edward J. Bardelli.] have been deleted" Exhibit C and D. see. at Exhibit E

However, Kim has this evidence(exhibit C, and D)that March 28, 2011, June 16, 201 the U.S. Marshal Christine Elmy (b)(7)(C) actually mailed the nine (9) Summons, nine (9)complaint, and the USM Form -299 Notice and Acknowledge of Receipt of Summons and Complaint by Mail and had NEVER been returned to the Court.

Kim I defendants' counsel- Kim II and Kim III- Defendant-Gregory M.

Kilby(P68266) "knowingly makes, statement material to a false or fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that On or about April 9, 2011, the Defendants filed "Defendants Opposition to Plaintiff's Application for Entry of Default that

¹⁶ See, Exhibit B.

¹⁷ The U.S. Department of justice United States Marshals Service Office of General Counsel William E. Bordley Associate General Counsel FOIPA Office of General Counsel

"[March 28, 2011¹⁸] Plaintiff [the U.S Marshals service] has not served any Defendant with copy of the Summons, his original Complaint" (*Kim I*, ECF No. 14 p.2) Exhibit F.

Defendants had NEVER been returned the USM Form-299 Receipt of Summons to the Court. Exhibit C p.1, 8, 11, 14, 17,20, 23, 26 and 6

Kim I defendants' counsel- Kim II and Kim III- Defendant-Edward J
Bardelli (P53849 "knowingly makes, statement material to a false or fraudulent
claim" 31 U.S.C. §3729(a)(1)(B) On June 26, 2012 at Six circuit Court;

"[March 28, 2011¹⁹] Kim [the U.S Marshals service]did not serve the Summons or a copy of his Complaint on any Defendants" (Case :12-1401 filed 06/26/2012 p. 40). Exhibit G.

Defendants had NEVER been returned the USM Form-299 *Receipt of Summons* to the Court. See. Exhibit C p.1, 8, 11, 14, 17,20, 23, 26 and 6

Additionally the solely convincing evidence that

Kim I Defendants' counsel Bardelli (Kim II defendants) "admit that Each defendants received Dkt # 1 Complaint [and Receipt of Summons the U.S. Marshals service on March 28, 2011]" Exhibit K

On June 26, 2012 at Six circuit Court Appellee's Brief that Defendants "knowingly makes, statement material to a false or fraudulent claim" 31 U.S.C. §3729(a)(1)(B)

"[March 28, 2011] Kim [the U.S Marshals service] did not serve the Summons or a copy of his Complaint on any Defendants" (Case :12-1401 filed 06/26/2012 p. 40).

¹⁸ To See, defendants had NEVER been returned the USM Form -299 Notice and Acknowledge of Receipt of Summons and Complaint Exhibit C p 7,10, 13, 16, 19, 22, 25, and p 6 to the Court.

¹⁹ To See, defendants had NEVER been returned the USM Form -299 Notice and Acknowledge of Receipt of Summons and Complaint Exhibit C p 7,10, 13, 16, 19, 22, 25, and p 6 to the Court.

Exhibit G.

Defendants had NEVER been returned the USM Form-299 *Receipt of Summons* to the Court. Exhibit C p.1, 8, 11, 14, 17,20, 23, 26 and 6

Kim II defendants' counsel, Kristina M.Araya (P74507) "knowingly makes, statement material to a false or fraudulent claim" 31 U.S.C. §3729(a)(1)(B)that at district Court on April 27, 2016 Brief in Support of Motion to Dismiss that

Indifference "they had never been served. (KimI Dkt. 14, PageID.107-110.)"

Kim II Dkt. 21, PageID.72. (Exhibit H)

,as to its truth, defendants had NEVER been returned the USM Form -299 *Notice* and Acknowledge of Receipt of Summons and Complaint Exhibit C p 7,10, 13, 16, 19, 22, 25, and p 6 to the Court..

Kim II Appellees' counsel, Conor B. Dugan "knowingly statement material to a false 31 U.S.C. § 3729(a)(1)(B) that Indifference "there "is no evidence that [Marsh 28, 2011]defendants were served prior to filing of [the] additional application" and there was no basis for the Clerk's Office to enter either a default or a default judgment against any defendants" (id. at 2, Pg.ID 35.)" Appellees' Brief Case: 16-2321 filed 08/25/2017 p.19 Exhibit I.

,as to its truth there is evidence that defendants had NEVER been [defendants had NEVER been returned the USM Form -299 *Notice and Acknowledge of Receipt of Summons and Complaint* Exhibit C p 7,10, 13, 16, 19, 22, 25, and p 6 to the Court.

Kim has "establish liability. 20" See Allison Engine Co., 553 U.S. at 671-72.

There was basis for the Clerk's Office to enter either a default or a default judgment against defendants.

The reason, *Kim II* defendants "knowingly statement material to a false" 31 U.S.C. § 3729(a)(1)(B)because the *Kim I*, nine (9) defendants had been failed answerer to complaint within seventy- one (71) days²¹ on June 3, 2011. The (9) defendants must answer within 21days Rule 12(a)(1)(A)(i).

Kim II Judge Maloney Kim II had been contrary finds that

"only to adverse rulings ["the thirteenth [fourteenth] times]"....,this case be reassigned to Chief Judge Jonker in order to promote judicial economy....,it must arise from some extra Judicial source" (Kim II, ECF No. 32 p.2).

The Kim I, Kim II judge jonker belied by defendants that "Kim I, defendants had not been served" (Order, Kim II. P.2, ECF No 34) Exhibit B. The Judge Jonker believes that

the Clerk's office issued Summons to all defendants on Marsh 25, 2011. Fifty eight (58) days later²², on May 18. 2011, and eighty four (84days) later June 16, 2011, the U.S. Marshals mailed the Summons, complaint and the USM Form-299 *Receipt of Summons* to Defendants and returned the USM Form-299 *Receipt of Summons* to the Court. To *See*, Exhibit C p.1, 8,11,14, 17,20,23, 26 or Exhibit D and See. Exhibit C.p.4 or Exhibit D.

²⁰ Allegedly false statement made by defendants. Thus, the connection between false statement and claim submitted to government[Court]remains "too attenuated to establish liability." See Allison Engine Co., 553 U.S. at 671-72

²¹ On March 25, 2011 the court issued Summons and delivered to the US. Marshals service. Kim I, Nine(9)defendants Answered to complaint on June 3, 2011

²² The Clerk's office issued Summons to all defendants on Marsh 25, 2011
58days later the on May 18, 2011 the U.S. Marshal Christine Elmy (b)(7)(C) mailed the USM Form-299 Receipt of Summons again because Defendants had never been returned USM Form-299 Receipt of Summons on March 28,2011

This evidence that Kim *I, II, III* "defendants is liable for the misconduct alleged *Id*" that Kim established the claim under "the thirteenth [fourteenth] times defendants' fraudulent claim." 31 U.S.C. § 3729(a)(1)(B).

It is important to note that

On October 6, 2011, Defendants' counsel Bardelli [Kim II defendant]"admit that Each defendants received Dkt # 1 Complaint [from the U.S. Marshals service on March 28, 2011] Exhibit K.

The U.S. Sixth Court of appeal finds that "we VACATE the district court's judgment and REMAND to the district Court²³. There was no justice in the Court room over seven (7) years "the thirteenth [fourteenth] times defendants' fraudulent claim." 31 U.S.C. § 3729(a)(1)(B). Kim has "establish liability. ²⁴" See Allison Engine Co., 553 U.S. at 671-72.Kim requests demand 3729 (b)(2).

COUNT II.

Defendants "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B) that "nothing in the record indicated that Kim actually served the defendants with the amended complaint" (Kim II, Order, P.2, ECF No 34, Exhibit B)

4. Kim alleges that Kim "pleads with particularity" that "claim was submitted" that Indifference *Kim I* and *Kim II* Judge Jonker "the thirteenth"

²³ Order of the United States Court of Appeals No. 16-2321

Allegedly false statement made by defendants. Thus, the connection between false statement and claim submitted to government[Court]remains "too attenuated to establish liability." See Allison Engine Co., 553 U.S. at 671-72

²⁵ See. United States v. Cline, 362 F.3d 343,348 (6th Cir. 2004)

²⁶ "has pled facts which support a strong inference that a claim was submitted." Prather, 838 F.3d at 769 (quoting chesbrough v. VPA, P.C., 655 F.3d 461, 471 (6th Cir. 2011)

[fourteenth] times" finds that

"Six Circuit Court 12-1401[, 12-02407, 13-02354. (*Kim I*)] affirmed the Court's decision and noted explicitly that "nothing in the record indicated that Kim actually served the defendants with the amended complaint" (*Kim II*, Order, P.2, ECF No 34, Exhibit B). This is 100% a fraud.

,as to its truth the Court record appears that *Kim I*, docket 7 pageID 77

Proof of Service, docket 52-3 Page ID279 appears, and the U.S post office receipt appears (*Kim I*, docket, 52-3 Page ID 281) that *Kim I* actually served the defendants with the amended complaint. See. Exhibit J

Furthermore, evidence Defendants admitted that "Defendants admit only that their counsel received Docket no 6[Amended complaint] and "Defendants received Dkt # order[granting Amended complaint](*Kim I* docket no. 108-1, PageID 740.). *See*. Exhibit K.

Kim I, ECF docket no. 7 Proof of Service (*Kim I*, docket 7 pageID 77 and docket 52-3 Page ID279) appears. Kim actually served the Amended complaint to the defendants and future represent defendant's attorney. Exhibit J

Dated: March 25, 2011

PROOF OF SERVICE

Motion for leave to file first Amended Complaint and Application for Declaratory and Injunctive Relief and Proof of Service to

Grand Valley State University, Thomas J. Haas, GVSU College of Education, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, GVSU College of Community and Public Service, George Grant, and Lois smith Owens

1 Campus Drive Allendale, MI 49401-9403

Interesting party (future represent defendant's attorney:

Mr. Edward J. Bardelli Warner Norcross & Judd LLP 900 Fifth Third Center 111 Lyon Street NW Grand Rapids, MI 49503-2487

Dated: March 25, 2011 GwanJun Kim

And

The U.S post office receipt appears (*Kim I*, ECF docket no. 7 Proof of Service (*Kim I*, docket 7 pageID 77 and docket 52-3 Page ID279)

Kim actually served the Amended complaint to the defendants and future represent defendant's attorney.

See Dated: 3/25/11 07:54:03 AM.

1st Large Env 1 \$ 2.24 (Grand Rapids MI 49503) for the Interesting party (future represent defendant's attorney)

1st Large Env 1 \$ 1.56 (Grand Rapids MI 49503) for the Court

1st Large Env 1 \$ 2.24 (Allendale MI 49402) for the Defendant- Grand Valley State University.

And

Defendants' counsel Bardelli "admit that Defendants received Dkt # 6 Amended Complaint. Answer: "Defendants admit only that their counsel received Docket no 6[Amended complaint] See. Paragraph 23 Defendants' answers to Plaintiff's First Request for Admissions.(Kim I, ECF docket no.108 Attachment 1,) See. Exhibit K.

That evidence that Kim actually served the Amended complaint to defendants and future represent defendant's attorney and "defendants is liable for the misconduct alleged *Id*"

Defendants had been the thirteenth [fourteenth] times"27

"intentionally false, willfully blind to the truth" thirteenth [fourteenth] times "29" and more than seven (7) years.

Kim II, and Kim III Defendant-Gregory M. Kilby(P68266) solely³⁰

"knowingly makes, statement material to a false or fraudulent claim." 31 U.S.C. §

3729(a)(1)(B)that On or about April 21, 2011, the Kim I, Defendants filed

"Defendants Opposition to Plaintiff's Application for Entry of Default" that

"Plaintiff has not mailed a copy of the First Amended Complaint to Defendants' counsel" (Kim I, ECF No. 14 p.2) Exhibit F.

Kim II, and Kim III Defendant- Edward J Bardelli (P53849) "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that On or about June 26, 2012, the Defendants filed Defendants' Brief that

"Kim [the U.S. Marshals] did not serve a copy of the Summons or his [Kim] Amended Complaint on any defendants" (Case :12-1401 filed 06/26/2012 p. 20) Exhibit G

Defendants had been "intentionally false, willfully blind to the truth" thirteenth [fourteenth] times" and order seven(7) years.

Kim I, docket 7 pageID 77 Proof of Service, docket 52-3 Page ID279

²⁷ Kim II, Defendants argued defendants' motion to dismiss that "This is the thirteenth times this that Kim has brought before the Court the issue (Kim II, ECF No. 32 p.2).

²⁸ See. The elements of fraud on the court include conduct: 1) on the part of an officer of the court; 2) that is directed at the judicial machinery itself; 3) that is **intentionally false, wilfully blind to the truth**, or is in reckless disregard for the truth; 4) that is a positive averment or a concealment when one is under a duty to disclose; and 5) that **deceives the court**. See *Demjanjuk v. Petrovsky*, 10 F.3d 338, 348 (6th Cir. 1993).

²⁹ Defendants argued that "This is the thirteenth times this that Kim has brought before the Court the issue of whether the defendants in Kim v. Grand Valley State University et at., NO 1:11-cv-233(KimI)". See. Defendants' Motion to dismiss (Kim II) p.1.

³⁰ DR 7-105(a) of the <u>ABA Model Code of Professional Responsibility</u> prohibited threats of criminal prosecution in order to gain an advantage in a civil matter, stating: (A) A lawyer shall not present, participate in presenting, or threaten to present criminal charges <u>solely</u> to obtain an advantage in a civil matter

advantage in a civil matter

31 See. The elements of fraud on the court include conduct: 1) on the part of an officer of the court; 2) that is directed at the judicial machinery itself; 3) that is intentionally false, wilfully blind to the truth, or is in reckless disregard for the truth; 4) that is a positive averment or a concealment when one is under a duty to disclose; and 5) that deceives the court. See Demjanjuk v. Petrovsky, 10 F.3d 338, 348 (6th Cir. 1993).

appears, and the U.S post office receipt appears (Kim I, docket, 52-3 Page ID 281) that Kim I actually served the defendants with the amended complaint. See. Exhibit J

Kim II defendants' counsels, Kristina M. Araya(P74507) "knowingly makes, statement material to a false" 31 U.S.C. § 3729(a)(1)(B)that on April 27, 2016, Defendants Brief that

"Plaintiff [the U.S. Marshals service] has not yet defendants with a copy of the summons his original complaint or First Amended complaint (Exhibit F p4)

Kim I, docket 7 pageID 77 Proof of Service, docket 52-3 Page ID279 appears, and the U.S post office receipt appears (Kim I, docket, 52-3 Page ID 281) that Kim I actually served the defendants with the amended complaint. See. Exhibit J

Additionally, It is important to note that

On October 6, 2011, Kim I Defendants' counsel Bardelli [Kim II defendant]"admit paragraph 22and 23that defendants received the Amended Complaint (Kim I docket no. 108-1, PageID 740.) See. Exhibit K.

The U.S. Sixth Court of appeal "VACATE[ed]the district court's judgment and REMAND to the district Court³².Because the Court record appears *Kim I*, ECF docket no. 7 Proof of Service, the Court granted the motion to Amended docket no 8 and the U.S post office receipt appears (*Kim I*, docket no. 46-2, 52-3, 60-2) and "Defendants admit only that their counsel received Docket no 6[Amended complaint] ³³ that Kim actually served the Amended complaint to defendants and

³² Order of the United States Court of Appeals No. 16-2321

³³ See Paragraph 23 Defendants' answers to Plaintiff's First Request for Admissions (Kim I, ECF docket no.108 Attachment 1 Exhibit A.)

future represent defendant's attorney. This is a Chronic fraud. There is no justice in the Court room "the thirteenth [fourteenth] times and over Seven(7) years, Kim has "establish liability. ³⁴" See Allison Engine Co., 553 U.S. at 671-72. Kim sets forth request justifies relief Kim requests demand 3729 (b)(2).

II. Kim I Defendants filed Motion to dismiss

COUNT III.

Kim I,II and Kim II defendants knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that Kim I, Kim II Chief Judge Jonker was not follows Fed. R. Civ. P. 12(b)(7)

5. Kim alleges that Kim "pleads with particularity" that Defendants "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that "claim was submitted" Indifference on August 19, 2016 the Judge Jonker order that

"Ultimately the Court granted the Kim I defendants' Motion to dismiss and entered judgment in favor of those defendants and granted Mr. Kim (Kim I, ECF No. 193, 194.) The Six circuit court affirmed the Court's decision and noted explicitly that nothing in the record indicated that Kim actuary served the defendants the defendants with the amended complaint (Exhibit B p.2).

,as to its truth

(1) Kim I, docket 7 pageID 77 Proof of Service, docket 52-3 Page ID279 appears, and the U.S post office receipt appears (Kim I, docket, 52-3 Page ID 281) that Kim I actually served the defendants with the amended complaint. Exhibit J.

³⁴ Allegedly false statement made by defendants. Thus, the connection between false statement and claim submitted to government[Court]remains "too attenuated to establish liability." See Allison Engine Co., 553 U.S. at 671-72

³⁵ See. United States v. Cline, 362 F.3d 343,348 (6th Cir. 2004)
36 "that pled facts which support a strong inference that a claim was

³⁶ "has pled facts which support a strong inference that a claim was submitted." Prather, 838 F.3d at 769 (quoting chesbrough v. VPA, P.C., 655 F.3d 461, 471 (6th Cir. 2011)

"Defendants admit only that their counsel received Docket no 6[Amended complaint] ³⁷ that Kim actually served the Amended complaint to defendants and future represent defendant's attorney.(Exhibit K *Kim I* ECF No. 108-1 PageID. 740)

(2). Kim I and Kim II Chief Judge Jonker was not follows Fed. R. Civ. P. 12(b)(7)

Judge Jonker had been adversely rulings granted Kim I defendants' Motion to dismiss. The Fed. R. Civ. P. 12(b)(7) requires that judge jonker must denied the Kim I defendants because A motion[August 10, 2011(docket no 62)] asserting any of these defenses must be made before pleading[June 3, 2011(docket no 38)] if a responsive pleading is allowed. Fed. R. Civ. P. 12(b)(7). In this case the judge Jonker had been maliciously granted Kim I, and Kim II Defendants' Motion to dismiss.

Kim sets forth Judge Jonker and defendants had been "conspires to commit a violation" 31 U.S. Code § 3729 (a)(1)(C) that intentionally failure to NEVER make thirteenth [fourteenth] times any mention of the facts in its Opinion and Order; a right or wrong Kim's argument; defendants do not have a requirement to file Motion for dismiss. Fed. R. Civ. P. 12(b)(7). The judge Jonker had been maliciously granted Kim I, and Kim II Defendants' Motion to dismiss. There is no justice in the Court room "the thirteenth [fourteenth] times and over Seven(7) years the thirteenth [fourteenth] times.

³⁷ See Paragraph 23 Defendants' answers to Plaintiff's First Request for Admissions (Kim I, ECF docket no.108 Attachment 1 Exhibit A.)

Kim has "establish liability. 38" See Allison Engine Co., 553 U.S. at 671-72.Kim requests demand 3729 (b)(2)

COUNT IV.

Kim I,II and Kim II defendants knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that Chief Judge Jonker dishonestly erred in adversely rulings that intentionally failure to make any mention of facts factual allegation, Kim I, Cause of Action I, II, III in its Opinion an Order. This is NOT "amply satisfied" (Kim II, ECF No. 220 p.3).

Kim alleges that Kim "pleads with particularity" that Defendants "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that "claim was submitted" Indifference the thirteenth [fourteenth] times"41 Kim I plaintiff has "a full and fair opportunity to litigate the issue in the prior proceeding" Id. All for factors are amply satisfied here."(Order Kim II, ECF No. 34 p.3), as to its truth the Kim I Judge Jonker was erred in adversely rulings that finds that intentionally failure to make any mention of facts factual allegation.

Kim sets forth the judge Jonker had been maliciously granted Kim I, and Kim II

Kim I Cause of Action I, II, III ⁴² in its Opinion an Order

6.

³⁸ Allegedly false statement made by defendants. Thus, the connection between false statement and claim submitted to government[Court]remains "too attenuated to establish liability." See Allison Engine Co., 553 U.S. at 671-72

³⁹ See. United States v. Cline, 362 F.3d 343,348 (6th Cir. 2004)

[&]quot;has pled facts which support a strong inference that a claim was submitted." Prather, 838 F.3d at 769 (quoting chesbrough v. VPA, P.C., 655 F3d 461, 471 (6th Cir. 2011)

41 Kim II, Defendants argued defendants' motion to dismiss that "This is the thirteenth times this that Kim has brought before the Court the issue

⁽Kim II, ECF No. 32 p.2).

Count 1. The homosexual Defendant "refused to correct the miscalculation" the complaint indicates that The College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700points grade of "C". Count II GVSU refused complies with the GVSU Rule readmission application. Count III. GVSU refused the lesbian- Black -Owens-defendant's corruption hearing.

Defendants' Motion to dismiss. The U.S. Sixth Court of appeal "VACATE the district court's judgment and REMAND to the district Court⁴³. Tues, Judge Jonker was not act like a chief judge. There is no justice in the Court room "the thirteenth [fourteenth] times and over Seven(7) years. Kim has "establish liability. 44" See Allison Engine Co., 553 U.S. at 671-72. Kim requests relief on demand 3729 (b)(2)

COUNT V.

Kim I,II and Kim II defendants knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that Chief Judge Jonker dishonestly biases orders that Defendants received grant Kim I defendants' Motion for Taxation of Costs (docket no 197) amount of the 1,006.46.

7. Kim alleges that Kim "pleads with particularity" that Defendants knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim." 31 U.S.C. § 3729(a)(1)(B) "claim was submitted" that the judge Jonker had been biases finds that Defendants received grant defendants' Motion for Taxation of Costs (docket no 197) amount of the 1,006.46. This evidence that "defendants are liable for the misconduct alleged *Id*". Kim sets forth the U.S. Sixth Court of appeal "VACATE the district court's

⁴³ Order of the United States Court of Appeals No. 16-2321

⁴⁴ Allegedly false statement made by defendants. Thus, the connection between false statement and claim submitted to government[Court]remains "too attenuated to establish liability." See Allison Engine Co., 553 U.S. at 671-72

⁴⁵ See. United States v. Cline, 362 F.3d 343,348 (6th Cir. 2004)

⁴⁶ "has pled facts which support a strong inference that a claim was submitted." Prather, 838 F.3d at 769 (quoting chesbrough v. VPA, P.C., 655 F.3d 461, 471 (6th Cir. 2011)

judgment and REMAND to the district Court⁴⁷. There was no justice in the Court room "the thirteenth [fourteenth] times and over Seven(7) years.

III. Kim II. Defendants filed Motion to dismiss

COUNT VI.

Kim I,II and Kim II defendants knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)thatAll the factors [COUNT I to V] are amply satisfied" (Kim II, ECF No. 220 p.3) Exhibit B

- 8. Kim alleges that Kim "pleads with particularity" that Defendants "knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that "claim was submitted" Indifference All the factors [Cause of Action paragraph 1-8] are" a full and fair opportunity to litigate the issue in the prior proceeding" *Id.* All for factors are amply satisfied here." (Order *Kim II*, ECF No. 34 p.3), as to its truth All the factors actually are NOT full and fair opportunity to litigate the issue in the prior proceeding" Id. All for factors are NOT amply satisfied here. The U.S. Sixth Court of appeal "VACATE the district court's judgment and REMAND to the district Court. 50
- 9. The defendants "knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim." 31

⁴⁷ Order of the United States Court of Appeals No. 16-2321

⁴⁸ See. United States v. Cline, 362 F.3d 343,348 (6th Cir. 2004)

⁴⁹ "has pled facts which support a strong inference that a claim was submitted." Prather, 838 F.3d at 769 (quoting chesbrough v. VPA, P.C., 655 F.3d 461, 471 (6th Cir. 2011)

Order of the United States Court of Appeals No. 16-2321

U.S.C. § 3729(a)(1)(B) was made reckless

COUNT I. Indifference ["Kim I defendants had not been serve" (Order Kim II, ECF No. 34 p.2)] as to its truth" Kim I defendants had been serve, which is the U.S. Marshal mailed" the complaint and summons and to Grand Valley State University on March 28, 2011 See. Exhibit A Exhibit A p 7, 10,13,16,19,22,25,28. but Defendants had NEVER been returned the USM Form-299 Receipt of Summons to the Court. To See, Exhibit C p.1, 8, 11,14, 17,20, 23, 26 and 6

COUNT II. Indifference [The Kim II Judge Jonker "the thirteenth [fourteenth] times concludes that

"Six Circuit Court affirmed the Court's decision and noted explicitly that "nothing in the record indicated that Kim actually served the defendants with the amended complaint" (*Kim II*, Order, P.2, ECF No 34). This is 100% a fraud.

,as to its truth that the Jonker knows the thirteenth [fourteenth] times the Court record appears Kim I, ECF docket no. 7 Proof of Service, and the U.S post office receipt appears

Exhibit J. Kim I, docket 7 pageID 77 Proof of Service, docket 52-3 Page ID279 appears, and the U.S post office receipt appears (Kim I, docket, 52-3 Page ID 281) that Kim I actually served the defendants with the amended complaint.

and "Defendants admit only that their counsel received Docket no 6[Amended complaint] ⁵¹ that Kim actually served the Amended complaint to defendants and future represent defendant's attorney.

⁵¹ See Paragraph 23 Defendants' answers to Plaintiff's First Request for Admissions (Kim I, ECF docket no.108 Attachment 1 Exhibit A.)

COUNT III. Indifference defendants had been so silent of the The judge Jonker was not follows the Rule Fed. R. Civ. P. 12(b)(7).

as to its truth" as that the judge Jonker was not follows the Fed. R. Civ. P. 12(b)(7) the Rule requires that judge jonker must denied the *Kim I* defendants because *A motion asserting any of these defenses must be* judge jonker must denied because The Fed. R. Civ. P. 12(b)(7) requires that *A motion*[August 10, 2011(docket no 62] asserting any of these defenses must be <u>made before</u> pleading[June 3, 2011(docket no 38)] if a responsive pleading is allowed". Fed. R. Civ. P. 12(b)(7). The judge Jonker was not follows the Rule Fed. R. Civ. P. 12(b)(7). COUNT IV. Indifference Judge Jonker intentionally failure to make any mention of facts factual allegation, *Kim I*, Cause of Action I, II, III ⁵² in its Opinion an Order is, "fair opportunity to litigate the issue in the prior proceeding *id* All the factors are amply satisfied" (*Kim II*, ECF No. 220 p.3)

as to its truth, Chief Judge Jonker dishonestly erred in adversely rulings that intentionally failure to make any mention of facts factual allegation, *Kim I*, Cause of Action I, II, III ⁵³ in its Opinion an Order.

COUNT V. Indifference "fair opportunity to litigate the issue in the prior

⁵² Count I. The homosexual Defendants "refused to correct the miscalculation" the complaint indicates that The College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700points grade of "C". Count II GVSU refused complies with the GVSU Rule readmission application.

Count III. GVSU refused the lesbian-Black -Owens-defendant's corruption hearing.

Count 1. The homosexual Defendants "refused to correct the miscalculation" the complaint indicates that The College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700 points grade of "C". Count II GVSU refused complies with the GVSU Rule readmission application. Count III. GVSU refused the lesbian- Black -Owens-defendant's corruption hearing.

proceeding *id* All the factors are amply satisfied" (*Kim II*, ECF No. 220 p.3), as to its truth Chief Judge Jonker dishonestly biases orders that Defendants received grant defendants' Motion for Taxation of Costs (docket no 197) amount of the 1,006.46.

COUNT VI. Indifference "fair opportunity to litigate the issue in the prior proceeding id All the factors are amply satisfied" (Kim II, ECF No. 220 p.3), as to its truth, Chief Judge Jonker dishonestly and All the factors [COUNT I to V] are NOT amply satisfied" (Kim II, ECF No. 220 p.3) This evidence that this is Kim I and Kim II and Kim III Defendants "knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)

- 10. The Kim I, II and, III, plaintiff was relied on the

 The defendants "knowingly makes, fraudulent claim." 31 U.S.C. §

 3729(a)(1)(B) paragraph 9 cause of action COUNT I to VI.
- 11. The Kim I, II and, III, Plaintiff has suffered compensable injury resulting from the defendants "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)paragraph 9 cause of action COUNT I to VI.
- 12. The plaintiff was relied on the defendants "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)that suffered compensable injury result from the COUNT I to VI.

- defendants a grant Motion to dismiss in this case based on the 62⁵⁵, as *made before*56 38⁵⁷, which is defendants' motion to dismiss (docket no 62) was not "*must made before pleading*" Fed. R. Civ. P. 12(b)(7), [docket no. 38 defendants answered the complaint] which is Defendants do not have a requirement to file motion to dismiss. But the subjects ten (10) judges were *solely* 58 granted Defendants' Motion to dismiss. The subjects judges were not follow the Rule Fed. R. Civ. P. 12(b)(7) "*must made before pleading*"
- 14. Furthermore, Magistrate Hugh W. Brenneman Jr, was remedy defects of justice or he has engaged in misconduct that Defendants' Motion to dismiss, when the Nine(9) defendants⁵⁹ "refused to correct the miscalculation⁶⁰ "and "refused to follow the Grand Valley University (their)Rules⁶¹" are not enough factual basis for plaintiff's claim as a matter of law United States. Also, the subject

⁵⁴ Elaine C. Collins; Paula Lancaster; Olivia A Williams; and Lois Smith Owens

⁵⁵ Defendants' Motion to dismiss

⁵⁶ "A motion asserting any of these <u>defenses must be made before pleading</u> if a responsive pleading is allowed. If a pleading sets out a claim for relief that does not require a responsive pleading, an opposing party may assert at trial any defense to that claim. No defense or objection is waived by joining it with one or more other defenses or objections in a responsive pleading or in a motion." Fed. R. Civ. P. 12(b)(7)

⁵⁷ Answer to Complaint

⁵⁸ DR 7-105(a) of the <u>ABA Model Code of Professional Responsibility</u> prohibited threats of criminal prosecution in order to gain an advantage in a civil matter, stating:(A) A lawyer shall not present, participate in presenting, or threaten to present **criminal charges** <u>solely</u> to obtain an advantage in a civil matter.

⁵⁹ Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of Community and Public Service; Tomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A Williams; and Lois Smith Owens.

Count I Three lesbian and a gay Defendants were refused, the school record suggests that correctly calculation his Ed 635grades, 700 point pulse 304point is 1004 points (700+304=1004) The defendants; the College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700points grade of "C", because his is not lesbians, or gay Muslim, black, white, or he is an Korean-American. Amended Compl. at ¶¶ ¶5abc, 6abcdd,7.

Count II.; Defendants Collins, Haas refused complies with the GVSU Rule readmission application. The GVSU Rule that the defendants must accept readmission application from one year academic probation. The defendants were not comply the Rule because his is not lesbians, Muslim, black, white, or Muslim. or Korean-American. Amended Compl. at ¶ 8,8abc,10.

Count III Defendants was refused the Defendant Owens-black lesbian Corruption Hearing Amended Compl. at ¶6, 7,8,12

Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens

Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of community and Public Service

Nine Judges agree to Magistrate Hugh W. Brenneman Jr's remedy defects of justice.

- 15. Upon information and belief, plaintiff had specifically injured denied Application for entry default and granted Defendants' Motion to dismiss.
- 16. The Cause of alleges paragraph 3 to 15 that Defendants⁶² made tort and made several defendants "knowingly makes, fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)paragraph 9 cause of action COUNT I to VI about its ability to complete the duty that it had made

Count I Three lesbian and a gay Defendants were refused, the school record suggests that correctly calculation his Ed 635grades, 700 point pulse 304point is 1004 points (700+304=1004) The defendants; the College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700points grade of "C", because his is not lesbians, or gay Muslim, black, white, or he is an Korean-American. Amended Compl. at ¶¶ ¶5abc, 6abcdd,7.

Count II.; Defendants Collins, Haas refused complies with the GVSU Rule readmission application. The GVSU Rule that the defendants must accept readmission application from one year academic probation. The defendants were not comply the Rule because his is not lesbians, Muslim, black, white, or Muslim. or Korean-American. Amended Compl.at ¶ 8,8abc,10.

Count III Defendants was refused the Defendant Owens-black lesbian Corruption Hearing Amended Compl.at ¶¶6, 7,8,12

Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of community and Public Service.

17. Plaintiff seeking to recover for economic loss due to defendants' alleged

⁶² Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of Community and Public Service; Tomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A Williams; and Lois Smith Owens.

negligent misrepresentations "must prove that duty of care by demonstrating an intimate nexus between them." *Griesi v. Atl, Gen. Hop. Corp. 360 Md. 1, 12-13* (2000). See. also Baltimore County v. Cigna Healthcare, 238 F. App'x914, 922 (4th Cir. 2007) (citing Griesi, 756 A.2d 548, 553)

- 18. Plaintiff alleges herein by this reference as though more fully set forth in the allegation contained in paragraphs 3 through 17 herein.
- 19. The complaint alleges that plaintiff has established allege each of the elements of intentional misrepresentation with the level of specificity required by Fed. R. Civ. P. 9(b).
 - (1) the defendant made a false representation to the Plaintiff; (2)the falsity was either known to defendant or the representation was made with reckless indifference as to its truth; (3) the misrepresentation was made for the purpose of defrauding plaintiff; (4) the plaintiff relied on the misrepresentation and [had] the right to rely on it; and (5) the plaintiff suffered compensable injury resulting from the misrepresentation.

Jenkins v. PBG, Inc., F. Supp.2d 593, 597 (D. Md. 2003). Also, because intentional misrepresentation is a form of fraud, the plaintiff must plead the circumstances of alleged misrepresentation with the specificity required by Fed. R. Civ. P. 9(b) This includes "the time, place, and contents of the false representation, as well as the identity of the person making the misrepresentation and what he obtained thereby" Harrison v. Westinghouse Savannah River Co., 176 F. 3d 776, 784 (4th Cir. 1999) (citing CHARLES ALAN WRIGHT & ARTHUR R. MILLER, 5FED. PRAC. &

PROC. CIV. § 1297, at 590 (2d ed. 1990). Rule 9(b) allows a plaintiff to plead elements of knowledge and intent "generally" though the allegations must still meet the ordinary plausibility standard required of all pleadings. *See. Mayfield v. National Ass'n for Stock Car Auto Racing, Inc.*, 674 F. 3d 369, 377 (4th Cir. 2012). Prac. & Proc. C

20. First, plaintiff alleges that On or about May 18, 2011 defendant⁶³made a false representation as paragraph 9 Count I to VI

Next Second, and third elements of an intentional misrepresentation claim, i.e. that Defendants know that statement was false and that it made the statement with the intent to defraud.

Finally, Plaintiff clearly alleges that it relied on the alleged misrepresentation, This establishes the fourth and fifth elements of an intentional misrepresentation claim.

21. When defendants⁶⁴through their respective fraud made representation to Plaintiff that Defendants⁶⁵ have know them to be false, and representation were made with the intent to defraud and deceive Plaintiff, and with

 ⁶³ Defendant Edward J Bardelli (P53849) Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of Community and Public Service; Tomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A Williams; and Lois Smith Owens.
 ⁶⁴ Defendant Gregory M. Kilby(P68266) Edward J Bardelli (P53849)Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of Community and Public Service; Tomas J. Haas; Elaine C. Collins; Paula Lancaster, Olivia A Williams; and Lois Smith

Owens.

⁶⁵ Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of Community and Public Service; Tomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A Williams; and Lois Smith Owens.

the intent to induct

The Kim I and Kim II Judge Jonker

the United State District Court Western Michigan case # 1:11-cv-00233, # 1:16-cv-00309-PLM-PJG and United States Court of Appeal for the Six Circuit 12-01401, 12-02407, 13-02354.

to deny or affirm or So silent that denied of plaintiff's Application for entry of default and default Judgment.

- 22 In reliance upon these fraud representations
- 23. There was nothing that plaintiff to believe that Defendants were honestly in good faith. Plaintiff's reliance on the Defendants' fraud representations was justified
- 24. As. a proximate result of Defendants' fraud and deceit, and the facts alleged herein, plaintiff has been damaged in an amount according to proof at trail and for punitive damages as allowed by law.
- 25. In doing the acts herein alleged, Defendants acted fraudulently, willfully, maliciously, oppressively, solely⁶⁶perjury⁶⁷, "knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim." 31 U.S.C. § 3729(a)(1)(B)Plaintiff to unjust hardship, knowing that Defendants' conduct was damage to plaintiff. As a result of Defendants'

67 Perjury 18 U.S. Code §1621

⁶⁶ DR 7-105(a) of the <u>ABA Model Code of Professional Responsibility</u> prohibited threats of criminal prosecution in order to gain an advantage in a civil matter, stating:(A) A lawyer shall not present, participate in presenting, or threaten to present **criminal charges** <u>solely</u> to obtain an advantage in a civil matter.

conduct, Plaintiff is entitled to an "request or demand money" 31 U.S. Code § 3729 (b)(2)(A)

- 26. Plaintiff alleges herein by this reference as though more fully set forth the allegations contained in paragraph 1through 25 herein.
- 27. When Defendants "knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim." 31

 U.S.C. § 3729(a)(1)(B), cause of action COUNT I to VI deceive Court and with the intent to induce subject Judges to denied Plaintiff's Application for entry default, default judgment.
- Defendants⁶⁸ had a duty to disclose Cause of action, "to correct the miscalculation⁶⁹ "and "follow the Grand Valley University (their)Rules⁷⁰"Defendants have knows that Defendants⁷¹ had a duty to disclose Cause of action, "to correct the miscalculation⁷² "and "follow the Grand Valley University (their)Rules⁷³" Plaintiff was not received the services, and the service

⁶⁸ Tomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A Williams; and Lois Smith Owens.

⁶⁹ Count I Three lesbian and a gay Defendants were refused, the school record suggests that correctly calculation his Ed 635grades, 700 point pulse 304point is 1004 points (700+304=1004) The defendants; the College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700points grade of "C", because his is not lesbians, or gay Muslim, black, white, or he is an Korean-American. Amended Compl. at ¶¶ 5abc, 6abcdd, 7.

Count II.; Defendants Collins, Haas refused complies with the GVSU Rule readmission application. The GVSU Rule that the defendants must accept readmission application from one year academic probation. The defendants were not comply the Rule because his is not lesbians, Muslim, black, white, or Muslim. or Korean-American. Amended Compl. at ¶ 8,8abc, 10.

Count III Defendants was refused the Defendant Owens-black lesbian Corruption Hearing Amended Compl. at ¶6, 7,8,12

Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens

Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of community and Public Service

⁷¹ Tomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A Williams; and Lois Smith Owens.

Count I Three lesbian and a gay Defendants were refused, the school record suggests that correctly calculation his Ed 635grades, 700 point pulse 304point is 1004 points (700+304=1004) The defendants; the College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700points grade of "C", because his is not lesbians, or gay Muslim, black, white, or he is an Korean-American. Amended Compl. at ¶¶ \$5abc, 6abcdd, 7.

promised to him.

- 29. When Defendants entered into the "refused to correct the miscalculation" "and "refused to follow the Grand Valley University (their)Rules" that they fact would damages \$5,000,000 each defendant.
- 30. Kim III, Plaintiff requests that Section 3729(a)(1)(B) imposes liability on one who [Defendants Kim I and Kim II] "knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim."

Kim alleges evident⁷⁶defendants made false or fraudulent statements; Cause of action the paragraph 9 cause of action COUNT I to VI in order to denied plaintiff's Application for entry of default and default judgment, *Kim I* and *Kim II* granted defendants' Motion to dismiss, there are allegations connecting these evident⁷⁷statements to claim made to *Kim I* and *Kim II* Court therefore Kim established liability. Kim plead a 31 U.S.C. § 3729(a)(1)(B) claim because they

must accept readmission application from one year academic probation. The defendants were not comply the Rule because his is not lesbians, Muslim, black, white, or Muslim. or Korean-American. Amended Compl.at ¶ 8,8abc,10.

Count III Defendants was refused the Defendant Owens-black lesbian Corruption Hearing Amended Compl. at ¶¶6, 7,8,12 Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens

Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of community and Public Service

Count I Three lesbian and a gay Defendants were refused, the school record suggests that correctly calculation his Ed 635grades, 700 point pulse 304point is 1004 points (700+304=1004) The defendants; the College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700points grade of "C", because his is not lesbians, or gay Muslim, black, white, or he is an Korean-American Amended Compl. at ¶¶5abc, 6abcdd,7.

Count II.; Defendants Collins, Haas refused complies with the GVSU Rule readmission application. The GVSU Rule that the defendants must accept readmission application from one year academic probation. The defendants were not comply the Rule because his is not lesbians, Muslim, black, white, or Muslim. or Korean-American. Amended Compl. at ¶ 8,8abc,10.

Count III Defendants was refused the Defendant Owens-black lesbian Corruption Hearing Amended Compl. at ¶6, 7,8,12 Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens

Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of community and Public Service

The alleged connection must be evident. See Allison Engine Co. v. U.S. ex rel. Sanders, 553 U.S. 662, 671–72 (2008).
 The alleged connection must be evident. See Allison Engine Co. v. U.S. ex rel. Sanders, 553 U.S. 662, 671–72 (2008).

rely on a too-attenuated chain connecting alleged false statements to the submission of claims. *See Chesbrough*, 655 F.3d at 473.

- 32. Plaintiff is, therefore, entitled to relief under Title 28 App Federal Title Rule 9. Kim has "establish liability. ⁷⁸" See Allison Engine Co., 553 U.S. at 671-72. Cause of action paragraph 9- A, B, C, D, E, F.
- 33. The United State District Court Western Michigan case # 1:11-cv-

00233,(Kim I), 1:16-cv-00309-PLM-PJG (Kim II) and United States Court of Appeal for the Six Circuit 12-1401, 12-02407, and 13-02354(Kim I) The Kim I and Kim II

Chief Judge Jonker belied by defendants seven (7) years the thirteenth [fourteenth] times "79" the defendants made him a sick.

- 34. The Sixth Circuit Case no 16-2321 Ordered that on December 22,
 2017"we VACATE the district court's judgment and REMAND to the district court WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:
- 1. Defendants ⁸⁰violated Title 28 App Federal Title Rule 9. Federal Rules of Civil Procedure each defendant.

⁷⁸ Allegedly false statement made by defendants. Thus, the connection between false statement and claim submitted to government[Court]remains "too attenuated to establish liability." See Allison Engine Co., 553 U.S. at 671-72

⁷⁹ Kim II, Defendants argued defendants' motion to dismiss that "This is the thirteenth times this that Kim has brought before the Court the issue (Kim II, ECF No. 32 p.2).

^{38.} Defendant Gregory M. Kilby(P68266) Edward J Bardelli (P53849)Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of Community and Public Service; Tomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A Williams; and Lois Smith Owens.

2. For "request or demand money" 31 U.S. Code § 3729 (b)(2)(A)that in the amount of \$5,000,000.00 plus interest at legal rate, each defendant or request \$55,000,000.00 total and "special damages sustained as a result of the discrimination [Kim I], including litigation costs and reasonable attorneys' fees".3730 (h)(2) of the

At the United States Court of Appeals for Sixth Circuit No 16-2321,13-2354, 12-2407, 12-1401 and 16-2321. The United States Court of the District of Michigan at Grand Rapids docket number 1:16-cv-00309(Kim II) and 1:11-CV-00233(Kim I).

justifies relief because of Chief Judge Jonker belied by defendants and refusal to disqualify himself and the manifest Seven years(7) injustice in the decision *thirteenth [fourteenth] times* "81" and any other relief for the conspiracy and Chronic fraud and For punitive damages as allowed by law.

3. Plaintiff prays for *Kim I*, default judgment against nine defendants⁸² or judgment NOT "refused to correct the miscalculation⁸³Master in education, TESOL (Teaching English to Speakers of Other Languages) Program and NOT "refused to follow the Grand Valley University (their)Rules⁸⁴"

⁸¹ Kim II, Defendants argued defendants' motion to dismiss that "This is the thirteenth times this that Kim has brought before the Court the issue (Kim II, ECF No. 32 p.2).

Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of Community and Public Service; Tomas J. Haas; Elaine C. Collins; Paula Lancaster; Olivia A Williams; and Lois Smith Owens.

Count I Three lesbian and a gay Defendants were refused, the school record suggests that correctly calculation his Ed 635grades, 700 point pulse 304point is 1004 points (700+304=1004) The defendants; the College of Education Grand Valley State University had independently calculated 700+304=600 points and granted grade of "D" and The Grand Valley State University independently calculated 700+304=700points grade of "C", because his is not lesbians, or gay Muslim, black, white, or he is an Korean-American. Amended Compl. at ¶¶ \$5abc, 6abcdd, 7.

Count II.; Defendants Collins, Haas refused complies with the GVSU Rule readmission application. The GVSU Rule that the defendants must accept readmission application from one year academic probation. The defendants were not comply the Rule because his is not lesbians, Muslim, black, white, or Muslim. or Korean-American. Amended Compl. at ¶ 8,8abc,10.

Count III Defendants was refused the Defendant Owens-black lesbian Corruption Hearing Amended Compl.at ¶6, 7,8,12 Thomas J. Haas, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, George Grant, and Lois smith Owens

Grand Valley State University; Grand Valley State University, College of Education; Grand Valley State University, College of community and

- 4. For reasonable Pro Se' fees in amount to be determined at trial;
- 5. For such other and further relief as the Court may deem proper.

Respectfully submitted,

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a jury trial.

Dated: January 11, 2018

GwanJun Kim

360 East Tuttle Rd Lot 54

Ionia, MI 48846 (616)902-4344

EXHIBITS

Exhibit A On December 22, 2017 the Six Circuit Court Case No. 16-2321 that

"we VACATE the district court's judgment and REMAND to the district court [of Michigan] to dismiss this case for lack of subject-matter jurisdiction"

Exhibit B The United States district Court Western District Court Western District of Michigan case no. 1:16-cv-309 Order.

Exhibit C. The U.S. Marshals Record indicated that the U.S. Marshal Christine Elmy (b)(7)(C) actually mailed eighteenth(18)of the USM Form-299 Receipt of Summons to nine (9)Defendants.

Exhibit D. The Court record appears that the Clerk's office issued Summons to all defendants on Marsh 25, 2011. Fifty eight (58) days later, on May 18, 2011, and eighty four (84days) later June 16, 2011, the U.S. Marshals mailed the *Receipt of Summons* to nine(9) defendants.

Exhibit E. The U.S. Marshals indicated that "Name of Marshals Service personal [U.S. Marshal Christine Elmy (b)(7)(C)] and third party [Kim II defendant Edward J. Bardelli] have been deleted" the Exhibit C /or and D

Exhibit F Defendants Opposition to Plaintiff's Application for Entry of Default that "[March 28, 2011] Plaintiff [the U.S Marshals service] has not served any Defendant with copy of the Summons, his original Complaint" (Kim I, ECF No. 14 p.2)

Exhibit G On June 26, 2012 Appellees' Brief that

"[March 28, 2011] Kim [the U.S Marshals service] did not serve the Summons or a copy of his Complaint on any Defendants" (Case :12-1401 filed 06/26/2012 p. 40).

Exhibit H On April 27,2016 Kim II Brief in Support of Motion to dismiss that

"there "is no evidence that [Marsh 28, 2011] defendants were served prior to [the]filing of [the] additional application" and there was no basis for the Clerk's Office to enter either a default or a default judgment against any defendants" (Kim II Dkt. 1-5, PageID. 34-35)" (Case no 1:16-cv-00309-RJJ-PJG, ECF No 21

PageID 76-77).

Exhibit I On August 25, 2017 Kim II Appellees' counsel, Conor B. Dugan "knowingly statement material to a false 31 U.S.C. § 3729(a)(1)(B) that Indifference "there "is no evidence that [Marsh 28, 2011]defendants were served prior to filing of [the] additional application" and there was no basis for the Clerk's Office to enter either a default or a default judgment against any defendants" (id. at 2, Pg.ID 35.)" Appellees' Brief Case :16-2321 filed 08/25/2017 p.19.

Exhibit J. Kim I, docket 7 pageID 77 Proof of Service, docket 52-3 Page ID279 appears, and the U.S post office receipt appears (Kim I, docket, 52-3 Page ID 281) that Kim I actually served the defendants with the amended complaint.

Exhibit K. Defendants admitted that defendants received the Amended Complaint (*Kim I* docket no. 108-1, PageID 740.)

Exhibit A

On December 22, 2017 The U.S. Six circuit Case no 16-2321 ordered that

"we VACATE the district court's judgment and REMAND to the district court to dismiss this case for lack of subject-matter jurisdiction"

Case: 16-2321 Document: 19-2 Filed: 12/22/2017 Page: 1

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

No. 16-2321

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

GWANJUN KIM,	FILED
Plaintiff-Appellant,	Dec 22, 2017 DEBORAH S. HUNT, Clerk
v.) ON APPEAL FROM THE UNITED
GRAND VALLEY STATE UNIVERSITY, et al.,) STATES DISTRICT COURT FOR) THE WESTERN DISTRICT OF
Defendants-Appellees.) MICHIGAN)
)

ORDER

Before: SILER, GRIFFIN, and STRANCH, Circuit Judges.

GwanJun Kim, a Michigan litigant proceeding pro se, appeals the district court's judgment dismissing his action for negligent and intentional misrepresentation. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. See Fed. R. App. P. 34(a).

In 2011, Kim filed an action pursuant to 42 U.S.C. § 1983 and Title VI of the Civil Rights Act of 1964 against Grand Valley State University (GVSU), the GVSU College of Education, the GVSU College of Community and Public Service, and several GVSU administrators and professors. Kim v. Grand Valley State Univ., No. 1:11-cv-233 (W.D. Mich.) (Kim I). Kim filed numerous requests for entry of default and default judgment against the defendants. The district court denied Kim's requests on the basis that the defendants were never served with the amended complaint and filed a timely answer after receiving requests for waiver of service. The district court subsequently dismissed Kim's § 1983 and Title VI claims for

Case: 16-2321 Document: 19-2 Filed: 12/22/2017 Page: 2

No. 16-2321

failure to state a claim upon which relief can be granted. On appeal, this court affirmed the district court's judgment, including the denial of Kim's default motions. Kim v. Grand Valley State Univ., No. 12-1401 (6th Cir. Feb. 11, 2013). Kim filed motions for relief from judgment pursuant to Federal Rule of Civil Procedure 60, asserting in relevant part that the defendants acted fraudulently when they claimed to have filed a timely answer to his amended complaint. The district court denied Kim's motions, and this court affirmed. Kim v. Grand Valley State Univ., No. 13-2354 (6th Cir. Apr. 29, 2014); Kim v. Grand Valley State Univ., No. 12-2407 (6th Cir. Sept. 11, 2013).

In 2016, Kim filed the instant action against the same defendants named in *Kim I* as well as their attorneys Edward J. Bardelli and Gregory M. Kilby. Claiming negligent and intentional misrepresentation, Kim alleged that the defendants made false representations regarding service in *Kim I*. The defendants moved to dismiss Kim's complaint and to impose sanctions. The district court granted the defendants' motion, concluding that collateral estoppel barred Kim's claims, and placed Kim on restricted filing status. This timely appeal followed.

"[T]his Court has 'an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party." Freeland v. Liberty Mut. Fire Ins. Co., 632 F.3d 250, 252 (6th Cir. 2011) (quoting Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006)); see Campanella v. Commerce Exch. Bank, 137 F.3d 885, 890 (6th Cir. 1998) ("[I]t is beyond question that federal courts have a continuing obligation to inquire into the basis of subject-matter jurisdiction to satisfy themselves that jurisdiction to entertain an action exists."). "[I]f jurisdiction is lacking, dismissal is mandatory." Campanella, 137 F.3d at 890 (citing Fed. R. Civ. P. 12(h)(3)).

In their brief, the defendants assert that the district court had subject-matter jurisdiction over this action under 28 U.S.C. § 1331, which provides for federal-question jurisdiction when the plaintiff "pleads a colorable claim 'arising under' the Constitution or laws of the United States." *Arbaugh*, 546 U.S. at 513. Kim asserted two causes of action in his complaint: negligent misrepresentation and intentional misrepresentation. These are state common-law claims. Kim alleged that the defendants violated Federal Rule of Civil Procedure 9(b), which

Case 1:18-cv-00107-RJJ-PJG ECF No. 1-1 filed 01/11/18 PageID.44 Page 42 of 124

No. 16-2321

provides that a party alleging fraud or mistake "must state with particularity the circumstances constituting fraud or mistake." Rule 9(b) is a pleading requirement; it does not create a federal cause of action for fraud. In footnotes, Kim cited the criminal statute for perjury, 18 U.S.C. § 1621, which does not create a private right of action. See Cent. Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A., 511 U.S. 164, 190 (1994) ("We have been quite reluctant to infer a private right of action from a criminal prohibition alone"). Kim also cited 28 U.S.C. § 351(a) in a footnote; that statute provides the procedure for filing a complaint of judicial misconduct. On appeal, Kim references the False Claims Act, 31 U.S.C. § 3729 et seq., but failed to mention that act in his complaint. See United States v. Cline, 362 F.3d 343, 348 (6th Cir. 2004) ("Generally, an appellant cannot raise a claim before the appellate court that was not raised below."). Because Kim failed to plead a claim arising under federal law in his complaint, the district court lacked federal-question jurisdiction.

Pursuant to 28 U.S.C. § 1332, the court has subject-matter jurisdiction when the plaintiff "presents a claim between parties of diverse citizenship that exceeds the required jurisdictional amount." *Arbaugh*, 546 U.S. at 513. Diversity of citizenship "exists only when no plaintiff and no defendant are citizens of the same state." *Jerome-Duncan, Inc. v. Auto-By-Tel, L.L.C.*, 176 F.3d 904, 907 (6th Cir. 1999). Because Kim and most of the defendants are citizens of Michigan, the district court also lacked diversity jurisdiction.

Accordingly, we VACATE the district court's judgment and REMAND to the district court to dismiss this case for lack of subject-matter jurisdiction.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk

Exhibit B

The United States district Court Western District Court Western District of Michigan case no. 1:16-cv-309 Order.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

GWANJUN KIM,

Plaintiff,

CASE NO. 1:16-CV-309

v.

HON. ROBERT J. JONKER

GRAND VALLEY STATE UNIVERSITY, et al..

Defendants.

ORDER

This matter is before the Court on Defendants' Motion to Dismiss (ECF No. 20). In his Complaint (docket # 1), Plaintiff reiterates allegations and arguments he made repeatedly and unsuccessfully in an earlier lawsuit, Kim v. Grand Valley State University et al., No. 1:11-CV-233 ("Kim I"). Fundamentally, Plaintiff contends that in Kim I the Court mistakenly denied his motions for entry of default based on what he describes as false information provided by the defendants and their legal counsel in that case. Plaintiff pursued this contention throughout the course of Kim I, filling a series of motions for default and sanctions, all of which the Court denied. (See Kim I, ECF No. 48 and ECF No. 166.) Eventually, after denying no fewer than eight such motions, the Court warned Plaintiff that the "[f]iling of future motions for either an entry of default or for a[n] entry of

¹Plaintiff first moved for default in April 2011. (Kim I, ECF No. 11.) The Kim I defendants objected, explaining that they had never been served. (Kim I, ECF No. 14.) The Court denied Plaintiff's first four motions for default in June 2011, finding no record evidence that defendants had been served before Plaintiff requested default and that defendants' response was timely. (Kim I, ECF No. 48.) Plaintiff continues to insist – as he did in Kim I – that defendants actually had been served and that any representation to the contrary was false.

a default judgment may result in sanctions assessed against plaintiff." (Kim I, ECF No. 166, PageID.1134.)

Ultimately, the Court granted the Kim I defendants' motion to dismiss and entered judgment in favor of those defendants and against Mr. Kim. (Kim I, ECF No.193, 194.) The Sixth Circuit affirmed the Court's decision and noted explicitly that "nothing in the record indicates that Kim actually served the defendants with the amended complaint. Their answer – which waived service – was therefore timely. . . . [T]he district court did not abuse its discretion when it denied Kim's motions [for default judgment]." (Kim I, ECF No. 217, PageID.1501.) While his appeal was pending, Plaintiff filed a Rule 60 motion making the same assertions about default. (Kim I, ECF No. 202.) The Court denied the motion, and the Sixth Circuit affirmed the denial. (Kim I, ECF No. 209, ECF No. 233.)

The lawsuit now before the Court centers on the very same issues Kim I already decided: whether the Kim I defendants were properly served before Mr. Kim moved for entry of default, and whether counsel for the Kim I defendants falsely informed the Court that the Kim I defendants had not been served. There is absolutely no basis for the relief Plaintiff seeks. To the contrary, the issues he raises have been fully litigated. Collateral estoppel bars Plaintiff from pursuing the claims again. See N.A.A.C.P., Detroit Branch v. Detroit Police Officers Ass'n (DPOA), 821 F.2d 328, 330 (6th Cir. 1987) ("[O]nce a court has decided an issue of fact or law necessary to its judgment, that decision may preclude re-litigation of the issue in a suit on a different cause of action involving a party to the first case.")(quotation marks omitted). Collateral estoppel applies where four requirements are satisfied: "(1) the precise issue raised in the present case must have been raised and actually litigated in the prior proceeding; (2) determination of the issue must have been necessary to the outcome of

the prior proceeding; (3) the prior proceeding must have resulted in a final judgment on the merits; and (4) the party against whom estoppel is sought must have had a full and fair opportunity to litigate the issue in the prior proceeding." Id. All four factors are amply satisfied here.

The Court has inherent power to impose sanctions for conduct that abuses the judicial process. Chambers v. NASCO, Inc., 501 U.S. 32, 43 (1991). Plaintiff's continued pursuit of issues already decided amounts to such an abuse. To deter future frivolous filings and avoid needless litigation burden on defendants, the Court places Plaintiff on Restricted Filing status and directs that any Judicial Officer reviewing an application from Plaintiff to proceed in forma pauper under 28 U.S.C. § 1915(a)(1) may grant such an application only after first determining that the complaint survives screening under the standards of 28 U.S.C. § 1915(e)(2). No defendant named in any such complaint shall have an obligation to respond unless and until the Court authorizes service of the complaint on that defendant and sets a deadline for response. To facilitate effective screening, the Court directs that any future cases filed by Plaintiff be assigned to the undersigned under the related case rule of the Court.

The Court notes that Defendants are prevailing parties in this case and may request costs as provided in 28 U.S.C. § 1920 and FED. R. CIV. P. 54(d)(1).

ACCORDINGLY, IT IS ORDERED:

- Defendants' Motion to Dismiss (docket #20) is GRANTED to the extent consistent with this Order and DENIED in all other respects.
- The Clerk is directed to place Plaintiff on Restricted Filing status.
- 3. Any Judicial Officer reviewing an application from Plaintiff to proceed in forma pauper is under 28 U.S.C. § 1915(a)(1) may grant such an application only after first

Case 1:18-cv-00107-RJJ-PJG ECF No. 1-1 filed 01/11/18 PageID.49 Page 47 of 124

Case 1:16-cv-00309-RJJ-PJG ECF No. 34 filed 08/19/16 PageID.222 Page 4 of 4

determining that the complaint survives screening under the standards of 28 U.S.C.

§ 1915(e)(2). No defendant named in any such complaint shall have an obligation

to respond unless and until the Court authorizes service of the complaint on that

defendant and sets a deadline for response.

4. Any future cases filed by Plaintiff shall be assigned to the undersigned under the

related case rule of the Court.

Dated: ____August 19, 2016

/s/ Robert J. Jonker

ROBERT J. JONKER

CHIEF UNITED STATES DISTRICT JUDGE

Exhibit C

The U.S. Marshals Record indicated that the U.S. Marshal Christine Elmy (b)(7)(C) actually mailed eighteenth(18)of the USM Form-299 Receipt of Summons to nine (9)Defendants.



U.S. Department of Justice

United States Marshals Service

Office of General Counsel

Washington, DC 20530-1000 August 23, 2016

GwanJun Kim 360 E. Tuttle Rd., Lot 54 Ionia, MI 48846

Re: Freedom of Information Act Request No. 2016USMS30258

Proof of Receipt of Summons & Complaint was sent to Subject:

defendants in Case no. 1:11-CV-233.

Dear GwanJun Kim:

This is in response to your Freedom of Information/Privacy Act (FOIA/PA) request for records maintained by the United States Marshals Service (USMS) that pertain to the above mentioned subject.

A search for responsive records was conducted by the United States Marshals Service and a total of 26 pages responsive to your request were located. After carefully reviewing the pages responsive to your request, we have determined that 2 of these pages are appropriate for release to you in full, and 24 pages are appropriate for release in part pursuant to 5 U.S.C. § 552 (b)(7)(C).

Exemption (b)(7)(C) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. Exemption 5 concerns pre-decisional information, including attorney work-product and attorney-client material, reflective of the deliberative process and contained in inter-agency or intraagency correspondence which is not routinely available to a private party in litigation with an agency.

Case 1:18-cv-00107-RJJ-PJG ECF No. 1-1 filed 01/11/18 PageID.52 Page 50 of 124

For your information. Congress expluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at http://www.justice.gov/oip/efoia-portal.html. Please note that OIP is in the process of transitioning from its current eFOIA portal to the portal on FOIAonline. Please visit the link above for instructions for submitting an appeal electronically. Your appeal must be postmarked or electronically transmitted within 60 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked Freedom of Information Act Appeal.

.Sincerely.

<u>/s/ Angela Chappelle Br</u> William E. Bordlev

Associate General Counsel/FOIPA Officer

Office of General Counsel

ការរ cut formដីរារ៉េ prin**t 4 copins. Sign and date s**il copies and foute b s_sspecified below.

U.S. Department of Justice United Sintes Morshals Service



	CEIPT OF SUMMONS AND COMPLAINT BY MAIL.
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-	for the istrict of Michigan
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TO: Grand Valley State Univ.	Civil Action, File Number 1:11-CV-233
College of Community 1 Campus Drive	GwanJun Kim
Allendale, MI 49401	K.
and the second s	Thomas J. Hans
The second secon	NAME OF THE PROPERTY OF THE PR
The enclosed summons and complaint are served pursuan Michigan State law.	nt to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
You MUST COMPLETS the asknowledgment part of this within 21 days. An envelope has been enclosed for this pur	is form below, AND RETURN COPIES 1 AND 2 to the sender pase. Keep copy 3 for your records.
corporation, unincorporated association (including a parmers	MENT ON ALL COPIES. If you are served on behalf of a ship), or other earlity, you must indicate under your signature your that person and you are authorized to receive process, you must
If you do not complete and return copies 1 and 2 of this for behalf you are being served) they be required to pay any expensioner permitted by law.	orm to the sender within 21 days, you (or the party on whose coses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this form, asswer the complaint within 21 days for private defendants a udgment by default will be taken against you for the relief d	, you (or the party on whose behalf you are being served) must and/or 60 days for Federal defendants. If you fail to do so, kenanded in the complaint.
I declare, under penalty of perjury, that this Notice and Acres unailed on this date.	ekby regament of Receipt of Summons and Complaint By Mail
	CRAMANE)
03/28/2011 5/18/11	CONTRACTOR TO THE CONTRACTOR OF THE CONTRACTOR O
Date of Signature	Signature (USMS Official)
ACKNOWLEDGMENT OF RECEIT	PT OF SUMMONS AND COMPLAINT
I declare, under penalty of perjury, that I received a copy of manuer at:	of the summons and of the complaint in the above captioned
11 Lyon St. NW Ste. 900	Counsel for Grand Valley State Univ.
Street Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Receive
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THE SULLI	June 3.2011
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Case: 16-2321

Document 9

Filed: 05/12/2017

Page: 31

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the Western District of Michigan

194-44011_0029m13551

TO:	(b) (7)(C)	
		n, mountaine
		Substitution of the substi

Civil Action, File Number 1:11-CV-233

GwanJan Kim

v,

Thomas J. Hass

The enclosed summons and complaint are served pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and Michigan State law.

You MUST COMPLETE the acknowledgment part of this form below, AND RETURN COPIES I AND 2 to the sender within 21 days. An envelope has been enclosed for this purpose, Keep copy 3 for your records.

YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT ON ALL COPIES. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return copies 1 and 2 of this form to the sender within 21 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

If you do complete and return copies 1 and 2 of this form, you (or the party on whose behalf you are being served) must answer the complaint within 21 days for private defendants and/or 60 days for Federal defendants. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

delare under penalty of parjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint By Mail was mailed on this date.

06/16/2011

Date of Signature

(b) (7)(C)

Signature (USAIS Official)

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above captioned manner at:

111 Lyon St. Nw. Ste. 900

Street Number and Street Name or P.O. Box No.

Grand Rapids, MI 49503

City, State and Zin Engle

Signature

Counsel for Grand Valley State Univ.

Relationship to Entity/Authority to Receive

US Mail - June 17, 2011

Service of Process

Date of Signature

100

Copy 1 - Clerk of Court

Copy 2 - United States Marsinals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

USM From 299 Rev. 65/10 Automated (0/03



PROCESS TRACKING SHEET-WAIVERS

Case Number:1:11-CV-233	Defendant Name: (b) (7)(C)
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Executed Walver returned to USMS Date: 6/17/1	(
Executed Walver returned to USMS, Date: 6/17/1 Returned executed Walver to Clerk of Court, Date:	6/29/11
No response to Walver by due date	
"Report of USMS of Unexecuted Walver of Service"	filed with Clerk of Court, Date:
Summons received by USMS, Date:	
Created USM-285, Date:	
Date	to SDUSM-USMS for assignment for personal service,
Summons personally ser	ved by USMS, Date:
Returned execut Date	ad Summons and USM-285 to Clerk of Court,
Unexecuted Summons an	d USM-ZBS returned by USMS, Date:
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Case: 16-2321 Document 9

Filed: 05/12/2017

U.S. Department of Justice United States Marshals Service

Compared to the contract of the contract of



	RECEIPT OF SUMMONS AND COMPLAINT BY MAIL States District Court for the
Western	District of Michigan
TO: (b) (7)(C)	Civil Action, File Number 1:11-CV-233
	GwanJun Kim
	V. Thomas J. Hass
Michigan State law,	suant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
within 21 days. An envelope has been enclosed for this	of this form below, AND RETURN COPIES I AND 2 to the sender spurpose. Keep copy 3 for your records.
corporation, unincorporated association (including a par	EDGMENT ON ALL COPIES. If you are served on behalf of a thership), or other entity, you must indicate under your signature your another person and you are authorized to receive process, you must
If you do not complete and return copies 1 and 2 of the behalf you are being served) may be required to pay any manner permitted by law.	his form to the sender within 21 days, you (or the party on whose expenses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this I answer the complaint within 21 days for private defenda judgment by default will be taken against you for the reli	onn, you (or the party on whose behalf you are being served) must mts and/or 60 days for Federal defendants. If you fail to do so, lef demanded in the complaint.
I declare, under penalty of perjury, that this Notice an was mailed on this date.	nd Acknowledgment of Receipt of Summons and Complaint By Mail (b) (7)(C)
06/16/2011	17/3/10/
Date of Signature	Signature (USMS Official)
	CEPT OF SUMMONS AND COMPLAINT
I declare, under penalty of perfury, that I received a commoner at:	opy of the summons and of the complaint in the above captioned
Street Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Receive
City, State and Zip Code	Service of Process
Signature	Date of Signature
Copy 1 - Clerk of Court Copy 2 - United States Marshall Service Copy 3 - Addresses	USM Furm-290
Copy 4 - USMS District Suspense	Rev. 05/10 Automated 10/03



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Case: 16-2321 Document 9 Filed: 05/12/2017

Fill out form and print 4 copies. Sign and date all copies and route as specified below.

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL United States District Court

	r the rict of Michigan
To: (b) (7)(C)	Civil Action, File Number 1:11-CV-233
	GwanJun Kim
	V. Thomas J. Haas
You MUST COMPLETE the acknowledgment part of this within 21 days. An envelope has been enclosed for this purposed YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT.	ENT ON ALL COPIES. If you are served on behalf of a ip), or other entity, you must indicate under your signature your are person and you are authorized to receive process, you must
If you do complete and return copies 1 and 2 of this form, y answer the complaint within 21 days for private defendants and judgment by default will be taken against you for the relief den	ou (or the party on whose behalf you are being served) must dor 60 days for Federal defendants. If you fall to do so, nanded in the complaint,
was manot on mis date.	nowledgment of Receipt of Summons and Complaint By Mail (b) (7)(C)
03/28/2011	
Date of Signature	Signature (USMS Official)
ACKNOWLEDOMENT OF RECEIPT	OF SUMMONS AND COMPLAINT
I declars, under penalty of perjury, that I received a copy of manner at:	
Street Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Receive
City, Sints and Zip Code	Survice of Process
Signature	Date of Signature
Copy 1 - Clerk of Court	
Copy 2 - United States Marshala Service Copy 3 - Addresses	USM Form-299
स्पर्वा अस्य प्रमुख्ये क्रम्पिक्षे व्यक्ति व्यक्ति	Oper configuration

Copy 4 - USMS District Suspense

Rev. 05/10 Amounated 10/03



Case: 16-2321 Document 9

Filed: 05/12/2017

Page: 35

Fill out form and print & copies. Sign and date all copies and route as opecified below.

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF REC	KIPT OF SUMMONS AND COMPLAINT BY MAIL
United State	es District Court
	strict of Michigan
	"
TO: (b) (7)(C)	Civil Action, Pilo Number 1:11-CV-233
1	GwanJun Kim
To selling the second s	Thomas J. Hans
Episterapo processos de la processo del processo de la processo de la processo del processo de la processo del processo de la processo de la processo de la processo de la processo del processo de la processo dela processo de la processo de la processo del processo de la proce	Emmantinative properties of the contract of th
The enclosed summons and complaint are served pursuant Michigan State law.	t to Rule 4(e)(1) of the Pederal Rules of Civil Procedure, and
You MUST COMPLETE the acknowledgment part of this within 21 days. An envelope has been enclosed for this purp	form below, <u>AND RETURN COPUS 1 AND 2</u> to the sender lose. Keep copy 3 for your records.
YOU MUST SIGN AND DATE THE ACKNOWLEDGM corporation, unincorporated association (including a partners) relationship to that entity. If you are served on behalf of anoth indicate under your algorature your authority.	
If you do not complete and return copies 1 and 2 of this for behalf you are being served) may be required to pay any expensamen permitted by law.	um to the seader within 21 days, you (or the party on whose uses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this form, y answer the complaint within 21 days for private defundants an judgment by default will be taken against you for the relief de	you (or the party on whose behalf you are being served) must d/or 60 days for Federal defendants. If you sail to do so, manded in the complaint,
I deviare, under pensity of perjury, that this Notice and Ack was mailed on this date.	cnowledgment of Receipt of Summons and Complaint By Mail
03/28/2011 5 1/8 1/1	(b) (7)(c)
Date of Signature	Signature (USMS Official)
ACKNOWLEDGMENT OF RECEIPT I declare, under penalty of perjury, that I received a copy of manner at:	OF SUMMONS AND COMPLAINT The summons and of the complaint in the above captioned
111 Lyon St. NW Ste. 900	
Street Number and Street Name or P.O. Box No.	Counsel for (b) (7)(C)
Grand Rapids MI 49503/)/	Relationship to Entity/Authority to Receive US Mail - June 3, 2011
City, State and 216 Codes	Service of Process
Signaturo	Date of Signature
Copy 1 - Clork of Court	
Copy 2 - United States Marshals Service Joby 3 - Addresses	A balance of the second

Copy 4 - USMS District Suspense

USM Forei-299 Rev. 05/10 Automated 10/03

Wi-Militar En 331



PROCESS TRACKING SHEET-WAIVERS

Case Number:1:11-CV-233	Defendant Name: (D) (7)(C)
USMS Received Walver from Clerk of Court, Date: 03/28/3	11
The state of the s	*** *** *** *** *** *** *** *** *** **
1st Malling of Walver, Date: _S/18/11	Executed Waiver Due Date:7/28/11
Executed Waiver returned to USMS, Date: 6/6/11	
Returned executed Waiver to Clerk of Court, Date:	(b ell
Augustien executed waiver to clerk bi court, pate:	on one of the head and an anti-construction of the second
No response to Waiver by due date	
"Report of USMS of Unexecuted Waiver of Service"	filed with Clerk of Court, Date:
Summons received by USMS, Date:	
Created USM-2B5, Date:	
Forwarded USM-285 & Summons	to SDUSM-USMS for assignment for personal service,
Date:	
Summons personally serv	red by USMS, Date:
Returned execute	ed Summons and USM-285 to Clerk of Court,
Date	
	I USM-285 returned by USMS, Date:
	uted Summons and USM-285 to Clerk of Court,
Date:	
N* A	
Waiver returned unexecuted, Date:	
Unable to identify defendant (insufficient informati	
Returned unexecuted Waiver to Clerk of Co	purt, Date:
individual is not at address listed on waiver	
Alternate address provided	Poul Bud Var. 6 m. a
Emailed Clerk of Court requesting	
	e Address -Initiate New Tracking Sheet
No alternate address provided	in many the selection of the selection o
	o provide alternate address, Date:address, Date:
Enabled Clarkers	Jourt requesting 2nd 3rd Walver, Date:
	piling to alternate address -Initiate new Tracking Sheet
	vide alternate address, Date:
	f-USMS to provide alternate address,
Date:	and the broader merch sides with the
	ivided alternate address, Date:
	imailed Clerk of Court requesting 2nd 3nd Waiver,
	Grand and the second of the se
ar at a	2nd 3nd Mailing to Alternate Address - Initiate New
	Tracking Sheet
Notified U	JSMS unable to provide alternate address,
	Provide manifestation and account of the second of the sec
	leturned Unexecuted Waiver to Clerk of Court,
	E \$ who we show the contract of the contra

Case: 16-2321

Document: 9

Www. 300 - Fill out form and print 4 copies. Sign and date all copies and route as specified below.

Filed: 05/12/2017

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court

Western	District of Michigan
TO: (b) (7)(c)	Civil Action, File Number 1:11-CV-233
1000 W. 1000	GwanJun Kim
	Thomas J. Haus
The enclosed summons and complaint are served purs Michigan State law.	mant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
You MUST COMPLETE the acknowledgment part of within 21 days. An envelope has been enclosed for this	f this form below, <u>AND RETURN COPIES 1 AND 2</u> to the sender purpose, Keep copy 3 for your records.
corporation, unincorporated association (including a part	DOMENT ON ALL COPIES. If you are served on behalf of a nership), or other entity, you must indicate under your signature your another person and you are authorized to receive process, you must
If you do not complete and return copies 1 and 2 of the behalf you are being served) may be required to pay any manner permitted by law.	is form to the sender within 21 days, you (or the party on whose expenses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this for answer the complaint within 21 days for private defendan judgment by default will be taken against you for the relie	nm, you (or the party on whose behalf you are being served) must and/or 60 days for Federal defendants. If you fail to do so, of demanded in the complaint.
I declare, under penalty of perjury, that this Notice and was mailed on this date.	d Acknowledgment of Receipt of Summons and Complaint By Mail (b) (7)(C)
03/28/2011	(2,1.1,2)
Date of Signature	Signature (USMS Official)
ACKNOWLEDGMENT OF REC	CEIPT OF SUMMONS AND COMPLAINT
	py of the summens and of the complaint in the above captioned
Street Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Receive
City, State and Zip Code	Service of Process
Signature	Date of Signature
Copy 1 - Clerk of Court	
Copy 2 - United States Marshals Service Copy 3 - Addressee	USM Form-299

Copy 4 - USMS District Suspense

Rev. 05/10 Automated 10/03



Case: 16-2321 Document: 9

Filed: 05/12/2017

Page: 38

A land and fill fill but form and print 4 coules. Sign and trate all copies and route as specified below.

U.S. Department of Justice United States Marshals Service



United Sta	CEIPT OF SUMMONS AND COMPLAINT BY MAIL ites District Court for the
Western D	istrict of Michigan
TO: Grand Valloy State University 1 Campus Drive	Civil Action, File Number 1:11-CV-233
Allendalo, Mf 49401	GwanJun Kim
	Thomas J. Haas
Michigan State law.	ant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
within 21 days. An envelope has been enclosed for this pu	his form below, <u>AND RUTURN COPIES 1 AND 2</u> to the sender upose. Keep copy 3 for your records.
corporation, unincorporated association (including a partner	MENT ON ALL COPIES. If you are served on behalf of a cahip), or other entity, you must indicate under your signature your other person and you are authorized to receive process, you must
	form to the sender within 21 days, you (or the party on whose penses incurred in serving a summons and complaint in any other
If you do complete and return copies I and 2 of this form answer the complaint within 21 days for private defendants judgment by default will be taken against you for the relief	
I declare, under penalty of perjury, that this Notice and was mailed on this date.	Acknowledgment of Receipt of Summons and Complaint By Mail (b) (7)(C)
-03/28/2011 = 5"/1 8/ /1	
Date of Signature	Sigmoure (USMS Official)
ACKNOWLEDGMENT OF RECE	IPT OF SUMMONS AND COMPLAINT
I declare, under penalty of perjury, that I received a copy manner at:	of the summans and of the complaint in the above captioned
111 Lyon St. NW Ste. 900 Street Number and Street Name or P.O. Box No.	Counsel for Grand Valley State Univ. Relationship to Enlity/Authority to Receive
Grand Rapids MI 49803 City, Smicand Lip Cade Signature	Service of Process Service of Process Date of Signature
Copy I - Clerk of Court	ISH-世代社会 Son 大型

Cupy 2 - United States Marshals Service Copy 3 - Addressee Copy 4 - USMS District Suspense

USM Form-299 Rev. 65/10 Automated 10/63



Case: 16-2321 Document: 9 Filed: 05/12/2017 Page: 39

PROCESS TRACKING SHEET-WAIVERS

Case Number:	1:11-CV-233	Defendant Name:Grand Valley State University
USMS Received W	Vaiver from Clerk of Court. D	Pate:03/28/11
Ti.	. THE WAY OF WATER WATER WATER OF STREET SE STREET	And the Superior of the Control of t
1st Mailing of Wal	ver, Date: _5/18/11	Executed Walver Due Date:7/28/11
	er returned to USMS, Date: _	
Return	ed executed Waiver to Clerk	k of Court, Date:
No response to	Waiver by due date	
		aiver of Service" filed with Clerk of Court, Date:
	Summons received by HSN	AS, Date:
•	Created USM-285	, Date:
		285 & Summons to SDUSM-USMS for assignment for personal service,
	Date:	
	Summons	personally served by USMS, Date:
	R	leturned executed Summons and USM-285 to Clerk of Court,
		ed Summons and USM-285 returned by USMS, Date:
	R	leturned unexecuted Summons and USM-285 to Clerk of Court,
_Walver returned	d unexecuted, Date:	
Unable	to Identify defendant (insufi	ficient information, i.e. lack of full name)
	_Returned unexecuted Walv	er to Clerk of Court, Date:
lndivid	ual is not at address listed or	n waiver
an u	Alternate address provided	
	Emailed Clerk of Co	ourt requesting 2nd 3rd Waiver, Date:
	2#d 3rd Maj	lling to Alternate Address -Initiate New Tracking Sheet
*****	No alternate address provid	ied
	Requested Court O	rder for MDOC to provide alternate address, Date:
	MDOC pro	vided alternate address, Date:
	Er	mailed Clerk of Court requesting 2nd 3nd Walver, Date:
		2 nd 3 rd Mailing to alternate address -Initiate new Tracking Sheet)
	Notified M	DOC cannot provide alternate address, Date:
	Re	equested SDUSM-USMS to provide alternate address,
	Date	
		USMS provided alternate address, Date:
		Emailed Clerk of Court requesting 2nd 3nd Walver,
		Date:
		2 nd 3 nd Mailing to Alternate Address - Initiate New
		Tracking Sheet
		Notified USMS unable to provide alternate address,
		Date:
		Returned Unexecuted Waiver to Clerk of Court,
		Date:



U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEI United States for	District Court
www.	ict of Michigan
TO: Grand Valley State University	Civil Action, File Number 1:11-CV-233
1 Campus Drive Allendale, MI 49401	GwanJun Kim
a and a superior of the superi	V.
	Thomas J. Haas
The enclosed summons and complaint are served pursuant to Michigan State law.	
within 21 days. An envelope has been enclosed for this purpose	form below, AND RETURN COPIES 1 AND 2 to the sender se. Keep copy 3 for your records.
YOU MUST SIGN AND DATE THE ACKNOWLEDGME corporation, unincorporated association (including a partnership relationship to that entity. If you are served on behalf of another indicate under your signature your authority. If you do not complete and return copies 1 and 2 of this form behalf you are being served) may be required to pay any expensions.	p), or other entity, you must indicate under your signature your reperson and you are authorized to receive process, you must to the sender within 21 days, you (or the party on whose
manner pennitted by law.	
If you do complete and return copies 1 and 2 of this form, you answer the complaint within 21 days for private defendants and judgment by default will be taken against you for the relief dem	for 60 days for Federal defendants. If you fail to do so,
I declare, under penalty of perjury, that this Notice and Ackr	nowledgment of Receipt of Summons and Complaint By Mail
was mailed on this date.	(b) (7)(C)
03/28/2011	
Date of Signature	Signature (USMS Official)
ACKNOWLEDOMENT OF RECEIPT	AT OUR PLANTS AND AND AREA
I doclars, under penalty of perjury, that I received a copy of manner at:	
Street Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Receive
City, State and Zip Code	Service of Process
Signature	Date of Signature
Copy 1 - Clerk of Court Copy 2 - United States Marshala Service Copy 3 - Addresses	USAI Form-299

Copy 4 - USMS District Suspense

Automated 10/03



Case: 16-2321

Document 9

Filed: 05/12/2017

Page: 41

Fill but form and print 4 copies. Sign and date all copies and route as expecified below.

U.S. Department of Instice United States Marshale Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the

tor the Western District of Michigan

TO:	(b) (7)(C)	Civil Action, File Number 1:11-CV-233
		GwanJin Xim
		ν,
		Thomas J. Hans
1		

The enclosed summons and complaint are served pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and Michigan State law.

You <u>MUST COMPLETE</u> the acknowledgment part of this form below, <u>AND RETURN COPIES 1 AND 2</u> to the sender within 21 days. An envelope has been enclosed for this purpose. Keep copy 3 for your records.

YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT ON ALL COPIES. If you are served on behalf of a corporation, unincorporated association (including a parmership), or other cutity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return copies 1 and 2 of this form to the sender within 21 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

If you do complete and return copies 1 and 2 of this form, you (or the party on whose behalf you are being served) must answer the complemt within 21 days for private defendants and/or 60 days for Federal defendants. If you fall to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint By Mail was malled on this date.

03/28/2011 5/18/11 Date of Signature (b) (7)(c)

gignature (USMS Official)

ACKNOWLEDGMENT OF RECUIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above captioned manner at:

111 Lyon St. NW 5te. 900
Street Number and Street Name or P.O. Box No.
Grand Rapids MI 49503
City, State and Zip Code
Signature

Counsel for (b) (7) (C)

Relationship to Entity/Authority to Receive

US Mail – June 3, 2011

Service of Process

Date of Signature

Copy I - Clork of Court

Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USM8 District Suspense

USM Form-299 Rev. 05/10 Amounted 16/03



PROCESS TRACKING SHERTAWAIVERS

Case Number:1:11-CV-233	Defendant Name:(b) (7)(C)
USMS Received Waiver from Clerk of Court, Date:03/28/11	and the state of t
1 st Mailing of Waiver, Date: _5/18/11	Executed Waiver Due Date:7/28/11
Affixecuted Waiver returned to USMS, Date:	6115/11
No response to Walver by due date*Report of USMS of Unexecuted Walver of Service" fiSummons received by USMS, Date:	
Date:	
Returned executed Date Unexecuted Summons andReturned unexecuted	USM-285 returned by USMS, Date: ted Summons and USM-285 to Clerk of Court,
	n, i.e. lack of full name)
Individual is not at address listed on waiver Alternate address provided	
2nd 3nd Mailing to Alternate No alternate address provided	and 3rd Waiver, Date: Address -Initiate New Tracking Sheet
MDOC provided alternate a	provide alternate address, Date: ddress, Date: ourt requesting 2 nd 3 nd Walver, Date:
2ml 3ml Mai	ling to alternate address –initiate new Tracking Sheet) ide alternate address, Date:
Date:	USMS to provide alternate address,
Et	vided alternate address, Date: mailed Clerk of Court requesting 2 nd 3 nd Waiver,
	2 nd 3 nd Mailing to Alternate Address – Initiate New Tracking Sheet SMS unable to provide alternate address,
Date:	**
nato.	

Fill out form and print 4 copies. Sign and date all copies and coute as specified below.

U.S. Department of Justice United States Marshals Service



	ECEIPT OF SUMMONS AND COMPLAINT BY MAIL States District Court for the
Western	District of Michigan
TO: (b) (7)(C)	Civil Action, File Number 1:11-CV-233
	Gwanfun Kim
	V. Thomas J. Haas
The enclosed summons and complaint are served purs Michigan State law.	uant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
You MUST COMPLETE the acknowledgment part of within 21 days. An envelope has been enclosed for this p	this form below, AND RETURN COPIES 1 AND 2 to the sender purpose, Keep copy 3 for your records.
corporation, unincorporated association (including a party	DGMENT ON ALL COPIES. If you are served on behalf of a tership), or other ontity, you must indicate under your signature you nother person and you are authorized to reactive process, you must
If you do not complete and return cupies 1 and 2 of thi behalf you are being served) may be required to pay any enanner permitted by law.	s form to the sender within 21 days, you (or the party on whose expenses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this for answer the complaint within 21 days for private defendant udgment by default will be taken against you for the relie	rm, you (or the party on whose behalf you are being served) must ts and/or 60 days for Pederal defendants. If you fail to do so, if demanded in the complaint.
I declare, under penalty of perjury, that this Notice and was mailed on this date.	Acknowledgment of Receipt of Summons and Complaint By Mail (b) (7)(C)
03/28/2011	, and an
Date of Signature	Signature (USMS Official)
ACKNOWLEDOMENT OF REC	BIPT OF SUMMONS AND COMPLAINT
I declare, under penalty of perjury, that I received a cornamer at:	by of the summons and of the complaint in the above captioned
Street Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Receive
City, State and Zip Code	Service of Process
Signature	Date of Signature
Capy 1 - Clerk of Court	
Copy 2 - United States Marshals Sorvice Copy 3 - Addressee	USM Farm-29

Copy 4 - USMS District Suspense



Fill out form and print 4 copies. Sign and date all copies and route as specified below.

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court		
for the Western District of Michigan		
	-	
10: (b) (7)(C)	Civil Action, File Number 1:11-CV-233	
1	GwanJua Kim	
	V.	
	Thomas J. Haus	
The enclosed summons and complaint are served pursuant of Michigan State law.	to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and	
You MUST COMPLETS the acknowledgment part of this is within 21 days. An envelope has been enclosed for this purpo	form below, <u>AND RETURN COPIES 1 AND 2</u> to the sender see. Keep copy 3 for your records.	
YOU MUST SIGN AND DATH THE ACKNOWLEDGMS corporation, unincorporated association (including a partnershi relationship to that entity. If you are served on behalf of anothe indicate under your signature your authority.	b), or other entity, you must indicate under your signature your	
If you do not complete and return copies 1 and 2 of this for behalf you are being served) may be required to pay any expen monner permitted by law.	n to the sender within 21 days, you (or the party on whose see incurred in serving a summons and complaint in any other	
If you do complete and return copies 1 and 2 of this form, yourswer the complaint within 21 days for private defendants and judgment by default will be taken against you for the relief den	Voy 60 days for Pederal defendants. If you fail to do so,	
I declare, under penalty of perjury, that this Notice and Actor was mailed on this date.	powledgment of Receipt of Summons and Complaint By Maii (b) (7)(C)	
_03/28/2017 5/13/LI		
Date of Signature	Signature (USMS Officint)	
ACKNOWLEDGMENT OF RECRIPT		
I declare, under penalty of perjury, that I received a copy of manner at:	the summous and of the complaint in the above captioned	
111 Lyon St. NW Ste. 900 Street Number and Street Name or P.O. Box No.	Counsel for (b) (7)(C) Relationship to Bushley/Authority to Receive	
Grand Rapids M1 49503	US Mail - June 3, 2011	
City, State and Zir Jose	Service of Process	
Signature	Date of Signature	
Copy I - Clerk of Court		
Copy 2 - United States Marshals Service Copy 3 - Addresses	USM F.cm-299 Rev. 05/10	
Copy 4 - USMS District Suspense	POST Instrumibile	



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PROCESS TRACKING SHEET-WAIVERS

Case Number:1:11-CV-233	Defendant Name: (b) (7)(C)
USMS Received Waiver from Clerk of Court, Date:03/2	8/11 _{auton-an-tonopout-trial transporters appearing}
1* Mailing of Waiver, Date: _5/18/11	Executed Waiver Due Date:7/28/11
Executed Waiver returned to USMS Date: 6/6/11	
Executed Waiver returned to USMS, Date:	te: <u>6/157/11</u>
No response to Waiver by due date	9
"Report of USMS of Unexecuted Waiver of Service	ce" filed with Clerk of Court. Date:
Summons received by USMS, Date:	
Created USM-285, Date:	
Forwarded USM-205 & Summo	ns to SDUSM-USMS for assignment for personal service,
Summons personally s	erved by USMS, Date:
Returned exec	suted Summons and USM-285 to Clerk of Court,
	and USM-285 returned by USMS, Date:
Returned une	recuted Summons and USM-285 to Clerk of Court,
Date:	and a second and a second to second the second to
and the second s	-viveassatalisista Virigi, vyop <u>atmosfationismistotiai</u>
Walver returned unexecuted, Date:	ACCOUNTS AND
Unable to identify defendant (insufficient inform	stion, i.e. lack of full name)
Returned unexecuted Walver to Clerk of	Court, Date:
Individual is not at address listed on waiver	And the second of the second o
Alternate address provided	
Emailed Clerk of Court requesti	ng 2nd 3rd Walver, Date:
2nd 3rd Mailing to Altern	nate Address -Initiate New Tracking Sheet
No alternate address provided	ATTACLE TOWN NOTION OF A SA 2 T 4 SERVICE STREET
•	C to provide alternate address, Date:
MDOC provided alterna	te address, Date:
Emailed Clerk	of Court requesting 2 nd 3 rd Waiver, Date:
2mi 3rd	Mailing to alternate address -Initiate new Tracking Sheet)
Notified MDOC cannot r	provide alternate address, Date:
Requested SDU	SM-USMS to provide alternate address,
Date:	me, manua za ka a proce ecreta seere coerts comb
	provided alternate address, Date:
	_Emailed Clerk of Court requesting 2 ^{ad} 3rd Walver,
	Spirited rick of conferencestiff S., 24 ANIAGL
*	2 nd 3 nd Mailing to Alternate Address - Initiate New
	Tracking Sheet
Nertiffe	d USMS unable to provide alternate address,
	a name mand to broattle arestrate stitless!
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'n	Trees used outstatists washed, to cists of routs'

Fill dut form and print 4 copies. Sign and date all copies and route as specified below.

- Manual San Can Balongar - Andrew Andrew

Case: 16-2321 Document 9

Filed: 05/12/2017

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

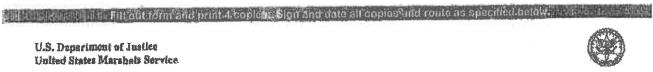
United	States District Court for the
Western	District of Michigan
TO: (b) (7)(C)	Civil Action, File Number 1:11-CV-233
W	GwanJun Kim
	Thomas J. Hans
The enclosed summons and complaint are served pu Michigan State law,	ersuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
You MUST COMPLETE the acknowledgment part within 21 days. An eavelope has been enclosed for this	of this form below, <u>AND RETURN COPIES 1 AND 2</u> to the sender is purpose. Keep copy 3 for your records.
corporation, unincorporated association (including a pay	EDOMENT ON ALL COPIES, If you are served on behalf of a rinership), or other entity, you must indicate under your signature your f another person and you are authorized to receive process, you must
If you do not complete and return copies 1 and 2 of to behalf you are being served) may be required to pay any namer pennitted by law.	this form to the sender within 21 days, you (or the party on whose y expenses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this inswer the complaint within 21 days for private defends udgment by default will be taken against you for the rel	form, you (or the party on whose behalf you are being served) must ants and/or 60 days for Federal defendants. If you fail to do so, lief demanded in the complaint.
I declare, under penalty of perjury, that this Notice at vas mailed on this date.	nd Acknowledgment of Recuirt of Summons and Complaint By Mail. (b) (7)(C)
03/28/2011	
Date of Signature	Signature (USMS Official)
ACKNOWLEDGMENT OF RE	SCEIPT OF SUMMONS AND COMPLAINT
I declare, under penalty of purjury, that I received a c nanner at:	copy of the summons and of the complaint in the above captioned
Street Number and Street Name or P.O. Box No.	Relationship to Satity/Authority to Receive
City, State and Zip Code	Service of Process
ignature	Date of Signature
Copy 1 - Clerk of Court	
opy 2 - United States Manhals Service opy 3 - Addressee	USM Form-29

Copy 4 - USMS District Suspense

Rev. 05/10 Automated 10/03



U.S. Department of Justice United States Marshals Service.



I SIND SIGNATURE STREET		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL. United States District Court for the		
Western Dist	rict of Michigan	
70: (b) (7)(c)	Civil Action, File Number 1:11-CV-233	
TO. C.	GwanJun Kim	
	¥.	
The second of the desired second seco	Thomas J. Hass	
The enclosed summons and complaint are served pursuant Michigan State law.	to Rule 4(o)(1) of the Federal Rules of Civil Procedure, and	
You <u>MUST COMPLETS</u> the acknowledgment part of this within 21 days. An envelope has been enclosed for this purp	form below, AND RETURN COPIES 1 AND 2 to the sender osc. Keep copy 3 for your records.	
YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT ON ALL COPIES. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.		
If you do not complete and return copies 1 and 2 of this form to the sender within 21 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law,		
If you do complete and roturn copies 1 and 2 of this form, you (or the party on whose behalf you are being served) must answer the complaint within 21 days for private defendants and/or 60 days for Pederal defendants. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.		
I declare, under penalty of perjury, that this Notice and Ac was mailed on this date.	knowledgment of Receipt of Summons and Complaint By Mail (b) (7)(C)	
-03/28/2011- 5"/18//\		
Date of Signature	Signature (USMS Official)	
ACKNOWLEDOMENT OF RECEIP	t of summons and complaint	
I declare, under penalty of perjury, that I received a copy of manner at:	f the summons and of the complaint in the above captioned	
111 Lyon St. NW Ste. 900	Counsel for (b) (7)(C)	
Street Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Receive	
Grand Rapids, MI 49503 Chy, State and Zip 266. Signature	US Mail - June 3, 2011 Sarvice of Process Date of Signature	
Copy 1 - Clerk of Cour: Copy 2 - United States Marshals Service Copy 3 - Addresses Copy 4 - USMS District Suspense	USM Fame-299 Res. 05/10 Automated 10/03	



PROCESS TRACKING SHEET-WAIVERS

Case Number:1:11-CV-233	Defendant Name:(b) (7)(C)
USMS Received Waiver from Clerk of Court, Date: 03/28/1	1
social recoverance as occasion as best periods of make de modern many and a	And the state of t
1st Mailing of Waiver, Date: _5/18/11	Executed Waiver Due Date:7/28/11
Van 11/11	
Executed Walver returned to USMS, Date:	(1.1-1)
Vecturies executes samper to clerk of Cont. Date:	
No response to Walver by due date	
"Report of USMS of Unexecuted Waiver of Service" i	filed with Clerk of Court, Date:
Summons received by USMS, Date:	
Created USM-285, Date:	
Forwarded USM-285 & Summons (to SDUSM-USMS for assignment for personal service,
Date:	
	ed by USMS, Date:
	d Summons and USM-285 to Clerk of Court,
Date	
	USM-285 returned by USMS, Date:
	ited Summons and USM-285 to Clerk of Court,
Date:	tile den de la commence del la commence de la comme
The Sound was bearing one and a summary and the second	
Waiver returned unexecuted, Date:Unable to identify defendant (insufficient information)	an in hadraffull namel
Returned unexecuted Waiver to Clerk of Co	
individual is not at address listed on waiver	WII to UTALUTA production of the first constitution of the first const
_Alternate address provided	
	2 nd 3 nd Walyer, Date:
	Address -Initiate New Tracking Sheet
No alternate address provided	
Requested Court Order for MDOC t	o provide alternate address, Date:
MDOC provided alternate	address, Date:
	Court requesting 2 nd 3 nd Waiver, Date:
	iling to alternate address -Initiate new Tracking Sheet)
	vide alternate address, Date:
and the state of t	-USMS to provide alternate address,
Date:	(M)/Polyle/informations/
	vided alternate address, Date:
	mailed Clerk of Court requesting 2nd 3nd Waiver,
Date:	The Total Section of Alexander A.J.
	2nd 3rd Mailing to Alternate Address - Initiate New
leaster 1	Tracking Sheet ISMS unable to provide alternate address,
	omo unante to provide alternate address,
	eturned Unexecuted Waiver to Clerk of Court.
Date	· · · · · · · · · · · · · · · · · · ·

Fill out form and print 4 copies, Sign and date all copies and route as specified below.

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIP United States I	District Court
Western Distric	
TO: (b) (7)(c)	Civil Action, File Number 1:11-CV-233
	GwanJun Kim
	Thomas J. Haas
The enclosed summons and complaint are served pursuant to Michigan State law.	Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
You MUST COMPLETE the acknowledgment part of this fo within 21 days. An envelope has been enclosed for this purpose	rm below, AND RETURN COPIES 1 AND 2 to the sender a. Keep copy 3 for your records.
YOU MUST SIGN AND DATE THE ACKNOWLEDGMEN corporation, unincorporated association (including a partnership) relationship to that entity. If you are served on behalf of another indicate under your signature your authority.	LOF Other entity, you must indicate under your signature your
If you do not complete and return copies 1 and 2 of this form behalf you are being served) may be required to pay any expense manner permitted by law.	to the sender within 21 days, you (or the party on whose incorred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this form, you answer the complaint within 21 days for private defendants and/o judgment by default will be taken against you for the relief dema	or 60 days for Federal defendants. If you fail to do so
I declare, under penalty of perjury, that this Notice and Acknows mailed on this date.	wiedgment of Receipt of Summons and Complaint By Mail
	(b) (7)(C)
O3/28/2011 Date of Signature	Signature (USMS Official)
ACKNOWLEDGMENT OF RECEIPT C	
I declare, under ponalty of perjuty, that I received a copy of the manner at:	e summons and of the complaint in the above captioned
Street Number and Street Name or P.Q. Box No.	Relationship to Entity/Authority to Receive
City, State and Zip Code	Service of Process
Signature	Oate of Signature
Copy 1 - Clerk of Cours	2
Copy 2 - United States Marshals Service Copy 3 - Addressee	USM Ponn-299 Rev. 05/10

Copy 4 - USMS District Suspense

Automated 10/03

Case: 16-2321

Document 9

Filed: 05/12/2017

Page: 50

Fill out form and print 4 copies. Sign and date all copies and route as specified below.

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL United States District Court for the Western District of Michigan Civil Action, File Number 1:1)-CV-233 Grand Valley State Univ. College of Education GwanJun Kim I Campus Drive Allendale, MI 49401 Thomas J. Huas The enclosed summons and compleint are served pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and Michigan State law. You MUST COMPLETE the acknowledgment part of this form below, AND RETURN COPIES 1 AND 2 to the sender within 21 days. An envelope has been enclosed for this purpose. Keep copy 3 for your records. YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT ON ALL. COPIES. If you are served on behalf of a corporation, unincorporated association (including a parinership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority. If you do not complete and return copies 1 and 2 of this form to the sender within 21 days, you (or the party on whose bohalf you are being served) may be required to pay any expenses incurred in serving a surmous and complaint in any other manner permitted by law. If you do complete and return copies 1 and 2 of this form, you (or the party on whose behalf you are being served) must onswer the complaint within 21 days for private defendants and/or 60 days for Pederal defendants. If you fall to do so, judgment by default will be taken against you for the relief demanded in the complaint. I declare, under penalty of perjury, this Notice and Acknowledgment of Receipt of Summons and Complaint By Mail was mailed on this date. (b) (7)(C) ~03/28/2011 5-118/11 Date of Signature Signature (USMS Official) ACKNOWLEDOMENT OF RECEIPT OF SUMMONS AND COMPLAINT I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above emploned manner at: Counsel for Grand Valley State Univ. * 111 Lyon St. NW Stc. 900 Street Number and Street Name or P.O. Box No. Relationship to Entity/Authority to Receive Grand Rapids MI US Mail - June 3, 2011 City, State and Zin Service of Process rune Signaturo Date of Signature * College of Education Cupy 1 - Clark of Count Copy 2 - United States Marshals Service Copy 3 - Addressee Copy 4 - USMS District Suspense

Ruy, 05/10

PROCESS TRACKING SHEET-WAIVERS

Case Number:1:11-CV-233	Defendant Name:Grand Valley State Univ
USMS Received Waiver from Clerk of Court, Date:	_03/28/11
1st Mailing of Walver, Date: _5/18/11	Executed Waiver Due Date:7/28/11
Executed Walver returned to USMS, Date: 6/	6) 11 rt, Date: 6/15/11
No response to Waiver by due date	,
"Report of USMS of Unexecuted Waiver of	Service" filed with Clerk of Court, Date:
Summons received by USMS, Date	
Created USM-285, Date:	
Forwarded USM-285 & S	ammons to SDUSM-USMS for assignment for personal service,
Summons person	nally served by USMS, Date:
Returne	d executed Summons and USM-285 to Clerk of Court,
	mons and USM-285 returned by USMS, Date:
Returne	d unexecuted Summons and USM-285 to Clerk of Court,
	Additional designation of the second
Waiver returned unexecuted, Date:	
Unable to identify defendant (insufficient i	
Returned unexecuted Waiver to C	erk of Court, Date:
individual is not at address listed on waive	
Alternate address provided	
	questing 2nd 3nd Walver, Date:
2nd 3nd Mailing to	Alternate Address -Initiate New Tracking Sheet
No alternate address provided	The state of the s
~	r MDOC to provide alternate address, Date:
MDOC provided a	Iternate address, Date:
	Clerk of Court requesting 2nd 3rd Waiver, Date:
	2nd 3rd Mailing to alternate address -Initiate new Tracking Sheet)
Notified MDOC ca	nnot provide alternate address, Date:
	d SDUSM-USMS to provide alternate address.
Date:	The state of the s
	ISMS provided alternate address, Date:
	Emailed Clerk of Court requesting 2nd 3nd Walver.
	Date:
	2nd 3nd Mailing to Alternate Address - Initiate New
	Tracking Sheet
	lotified USMS unable to provide alternate address,
Dat	gs
	Returned Unexecuted Walver to Clerk of Court,
	Date

Case: 16-2321

Document 9

Filed: 05/12/2017

Page: 52

Fill out form and print 4 copies. Sign and date all copies and route as specified below.

U.S. Department of Justice United States Marshalz Service



	St. No. May 66. A Problem Part Street Advanced Seath Street.
United State	CEIPT OF SUMMONS AND COMPLAINT BY MAIL tes District Court for the
	strict of Michigan
TO: Grand Valley State Univ.	Civil Action, File Number 1:11-CV-233
College of Education 1 Campus Drive	GwanJun Kim
Allendale, MI 49401	Thomas J. Haus
The enclosed summons and complaint are served pursuar Michigan State law.	nt to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
	is form below, AND RETURN COPIES 1 AND 2 to the sender
YOU MUST SIGN AND DATE THE ACKNOWLEDGE opporation, unincorporated association finehaling a partners	MENT ON ALL COPIES. If you are served on behalf of a ship), or other entity, you must indicate under your signature your ther person and you are authorized to receive process, you must
If you do not complete and return copies 1 and 2 of this fe chalf you are being served) may be required to pay any expendence permitted by law.	orm to the sender within 21 days, you (or the party on whose enses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this form, iswer the complaint within 21 days for private defendants a digment by default will be taken against you for the relief de	you (or the party on whose behalf you are being served) must nd/or 60 days for Federal defendants. If you fail to do so, smanded in the complaint.
I declare, under penalty of perjury, that this Notice and Acas mailed on this data.	knowledgment of Receipt of Summons and Complaint By Mail
as maned on this date.	(b) (7)(C)
ole of Signature	Signature (USM8 Official)
ACKNOWLEDOMENT OF RECEIP	T OF SUMMONS AND COMPLAINT
I declare, under panalty of perjury, that I received a copy of some at:	of the summons and of the complaint in the above captioned
reet Number and Street Name or P.O. Box No.	Relationship to Entity/Authority to Receive
ry, State and Zip Code	Service of Process

Copy i - Clark of Court

Copy 2 - United States Marshals Service

Copy 3 - Addressee Copy 4 - USMS District Suspense

18M Form-199 Rev. 05/10 Automated 10/03

Fill out form and print 4 copies. Sign and date all copies and route as specified below, in

U.S. Department of Justice United States Marshale Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL United States District Court

tor the			
Western District	of Michigan		
To (b) (7)(C)	Civil Action, Filo Number 1:11-CV-233		
	GwanJun Kim		
 =	All the second s		
n - reconstructed Factoris II (A.M.). Quida - dissipantes in que experimental de designaments compression approximation of the contract of the	Thomas J. Haas		
The enclosed summons and complaint are served pursuant to R Michigan State luw. You MUST COMPLETE the acknowledgment part of this form			
within 21 days. An envelope has been enclosed for this purpose.	Keep copy 3 for your records.		
YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT corporation, unincorporated association (including a partnership), relationship to that satity. If you are served on behalf of another prindicale under your signature your authority.	or other entity, you must indicate under your signature your		
If you do not complete and return copies 1 and 2 of this form to the sender within 21 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manuer permitted by law.			
If you do complete and return copies 1 and 2 of this form, you (answer the complaint within 21 days for private defendants and/or judgment by default will be taken against you for the relief demand	60 days for Pederal defendants. If you fell to do so.		
I declare, under penalty of perjury, that this Notice and Arbeiton was mailed on this date.	tadgment of Receipt of Summons and Comptaint By Mail [b] [7](C)		
03/28/2011 5/18/1/	12/1/16/		
Date of Signature	Signature (USMS Official)		
ACKNOWLEDGMENT OF RECEIPT OF	SUMMONS AND COMPLAINT		
I declare, under penalty of perjury, that I received a copy of the manner at:	summons and of the complaint in the above captioned		
111 Lyon St. NW Ste. 900 Street Number and Street Name or P.O. Box Nu.	Counsel For (b) (7)(C) Relationship to Entity/Authority to Receive		
Grand Rapids, MI, 49503 City, Store and Zip Code Signature	US Mail - June 3, 2011 Sarvice of Process June 3, 2011 Date of Signature		
Copy I - Clerk of Court Copy 2 - United States Marshale Service Copy 3 - Addressee Copy 4 - USMS District Suspense	118hf Ferm-299 Rev. 05/10 Antonnted 10/03		



Case: 16-2321 Document: 9 Filed: 05/12/2017 Page: 54

PROCESS TRACKING SHEET-WAIVERS

Case Number:1:11-CV-233	Defendant Name; (b) (7)(C)
USMS Received Waiver from Clerk of Court, Date:03/28/	
1 st Mailing of Waiver, Date: _5/18/11	Executed Waiver Due Date:7/28/11
Executed Waiver returned to USMS, Date:	6415 111
No response to Waiver by due date"Report of USMS of Unexecuted Waiver of Service"Summons received by USMS, Date:Created USM-285, Date:Forwarded USM-285 & Summons	
Date:Summons personally ser Returned execut Date	ved by USMS, Date:ed Summons and USM-285 to Clerk of Court,
	d USM-285 returned by USMS, Date:cuted Summons and USM-285 to Clerk of Court,
Waiver returned unexecuted, Date:Unable to Identify defendant (insufficient informatReturned unexecuted Waiver to Clerk of Cindividual is not at address listed on waiver	ion, i.e. lack of full name)
2nd 3rd Mailing to Alternat ,No alternate address provided	2 nd 3 nd Walver, Date:
MDOC provided alternate Bmailed Clerk of	to provide alternate address, Date: address, Date: Court requesting 2 rd 3 rd Waiver, Date:
Notified MDOC cannot pro	ailing to alternate address -Initiate new Tracking Sheet) ovide alternate address, Date: M-USMS to provide alternate address,
т. жылыны	ovided alternate address, Date:
	2nd 3nd Mailing to Alternate Address - Initiate New Tracking Sheet USMS unable to provide alternate address,
marco)	Returned Unexecuted Waiver to Clerk of Court,

Case: 16-2321 Document: 9

Filed: 05/12/2017

Fill out form and print 4 copies. Sign and date all copies and route as specified below.

U.S. Department of Justice United States Marshuis Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL. United States District Court

C., d.,	RA COURT
for the Western District of	Michigan
(as now para eggans a
TO: (b) (7)(c)	Civil Action, File Number 1:11-CV-233
	Gwanfun Kim
	v. Thomas J. Haas
The enclosed summons and complaint are served pursuant to Rule Michigan State law.	4(e)(1) of the Federal Rules of Civil Procedure, and
You MUST COMPLETS the acknowledgment part of this form be within 21 days. An envelope has been enclosed for this purpose. Kee	elow, AND RETURN COPIES 1 AND 2 to the sender up copy 3 for your records.
YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT Of corporation, unincorporated association (including a partnership), or or relationship to that entity. If you are served on behalf of another perso indicate under your signature your authority.	
If you do not complete and return copies 1 and 2 of this form to the behalf you are being served) may be required to pay any expenses incommer permitted by law.	sender within 21 days, you (or the party on whose ured in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this form, you (or the answer the complaint within 21 days for private defendants and/or 60 of judgment by default will be taken against you for the relief demanded	
I declare, under penalty of perjury, that this Notice and Acknowledges mailed on this date.	ment of Receipt of Summons and Complaint By Mail
The same of the sa	(b) (7)(C)
03/28/2011	
Date of Signature S	ignature (USMS Official)
A PARTY TAXABLE CONTRACTOR OF THE PARTY OF T	
ACKNOWLEDGMENT OF RECEIPT OF SU	
I declare, under penalty of perjury, that I received a copy of the sum manner at:	mons and of the complaint in the above captioned
Street Number and Street Name or P.O. Box No. Ref	stionship to Entity/Authority to Receive

Copy i - Clark of Court

City, State and Zip Code

Copy 2 - United States Marshals Service Copy 3 - Addressee Copy 4 - USMS District Suspense

Signature

USM Porus-299 Rov. 05/10 Automated 10/03

Service of Process

Date of Signature

Exhibit D

The Court record appears that the Clerk's office issued Summons to all defendants on Marsh 25, 2011. Fifty eight (58) days later, on May 18, 2011, and eighty four (84days) later June 16, 2011, the U.S. Marshals mailed the *Receipt of Summons* to nine(9) defendants.

AO 440 (Signs, S1409) Stammanto Juga Clivill Anthysis-Mill VID (Ross, 18400)

SUMMONS IN A CIVIL ACTION UNITED STATES DISTRICT COURT FOR THE WESTERN DIST U.S. Olstrict Judge

1:11-cv-233

TO ADDRESS:

			GS. 21 (1816) 211 157
The state of the s	gainst yes. TACHONISD and enquired to serve to the attached completes or a medical religions of Civil Personders Within wire of this encurious on you fact, solved to. If you had so entous, to cancel against you for the relief at, You stack this is your answer whom a pideous in the religion of the religion. The same the religion of	Group American Street Comba, Adv - Adv-Adv-Adv-Adv-Adv-Adv-Adv-Adv-Adv-Adv-	
	· Proces	PÉRENTA.	
This pages one for	Lan Brith Owen	was regalive	
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	for servel and \$	the entities	for a total of \$
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Additional followings repor	ding annughai marking mpa	9800	
			San Carrier Control

Fill out form and print 4 copies. Sign and date all copies an

U.S. Department of Justice United States Marshals Service FILED - GR
June 16, 2011 11:57 AM
IRACEY CORDES CLERK
U.S DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BY_ald_1 __ SCANNED BY KNO UTLL



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the		
Western Distric		
TO: Grand Valley State University	Civil Action, File Number 1:11-CV-233	
I Campus Drive Allendale, MI 49401	GwanJun Kim	
	v. Thomas J. Haas	
	TEURIAS J. TRAS	
The enclosed summons and complaint are served pursuant to Michigan State law.	Rule 4(e)(1) of the Federal Rules of Civil Procedure, and	
You <u>MUST COMPLETE</u> the acknowledgment part of this for within 21 days. An envelope has been enclosed for this purpose	rm below, <u>AND RETURN COPIES 1 AND 2</u> to the sender s. Keep copy 3 for your records.	
YOU MUST SIGN AND DATE THE ACKNOWLEDGMEN corporation, unincorporated association (including a partnership) relationship to that entity. If you are served on behalf of another indicate under your signature your authority.	or other entity, you must indicate under your signature your	
If you do not complete and return copies 1 and 2 of this form to behalf you are being served) may be required to pay any expense manner permitted by law.	to the sender within 21 days, you (or the party on whose s incurred in serving a summons and complaint in any other	
If you do complete and return copies 1 and 2 of this form, you answer the complaint within 21 days for private defendants and/o judgment by default will be taken against you for the relief demander.	r 60 days for Federal defendants. If you fail to do so,	
I declare, under penalty of perjury, that this Notice and Ackno	wledgment of Receipt of Summons and Complaint By Mail	
was mailed on this date. 03/28/2011 5 18 1(Date of Signature	Christine Elmy District Synod by Christine Elmy Drive on-Christine Elmy, on-USMS, our-W/ MR, pmall-christeling@usdci.gov. cr-US Date: 2011.05.18 1239.37 -8400' Signature (USMS Official)	
ACKNOWLEDGMENT OF RECEIPT O		
I declare, under penalty of perjury, that I received a copy of the manner at:	e summons and of the complaint in the above captioned	
111 Lyon St. NW Ste. 900 Street Number and Street Name or P.O. Box No.	Counsel for Grand Valley State Univ. Relationship to Entity/Authority to Receive	
Grand Raids MI 49503 //	US Mail - June 3, 2011	
City, State and The Code Signature	Service of Process Date of Signature	
Copy 1 - Clerk of Court	USh-WAT'11JUN GPM 2:43	

Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

IJSM Form-299 Rev. 05/10 Automated 10/03

U.S. Department of Justice United States Marshala Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court

	for t Western Distric	
TO:	Grand Valley State Univ.	Civil Action, File Number 1:11-CV-233
	College of Community 1 Campus Drive	GwaoJue Kim
	Allendale, MI 49401	We consider the second
		Thomas J. Haas
Mich Ye	_	rm below, AND RETURN COPIES 1 AND 2 to the sender
Y(corpo relatio	OU MUST SIGN AND DATE THE ACKNOWLEDGMEN ration, unincorporated association (including a partnership)	,
behali	you do not complete and return copies 1 and 2 of this form f you are being served) may be required to pay any expense er permitted by law.	to the sender within 21 days, you (or the party on whose incurred in serving a summons and complaint in any other
answe	you do complete and return copies 1 and 2 of this form, you or the complaint within 21 days for private defendants and/o nent by default will be taken against you for the relief dema	or 60 days for Federal defendants. If you fail to do so.
Id	eclare, under penalty of perjury, that this Notice and Acknowledge	wledgment of Receipt of Summons and Complaint By Mail
was n 03/28	2011 5/18/1	Christine Elmy Digitally algrand by Christine Firey Christine Elmy Div. cur-Christine Elmy, ow USAMS, our-WW Mit. small-print, ashing Quastol, gov., cr-US Date: 2011.06.18 12:39:37 -04:00
Date o	f Signature	Signature (USMS Official)
	ACKNOWLEDGMENT OF RECEIPT O	OF SUMMONS AND COMPLAINT
l de manne	sclare, under penalty of perjury, that I received a copy of th	
	Lyon St. NW Ste. 900 Number and Street Name or P.O. Box No.	Counsel for Grand Valley State Univ.* Relationship to Entity/Authority to Receive
	nd Rapids MI 49503,	US Mail - June 3, 2011
City, S	inte and Implody	Service of Process
Signat	TINA TINA	June 3, 2011 Date of Signature
*vrQvrez	(*College of Community (Spr 2:5)
Crans I	. Clark of Court	USN-WNITION SPM 2250

Copy 1 - Clerk of Court
Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

U.S. Department of Justice United States Marshals Service



United States	EIPT OF SUMMONS AND COMPLAINT BY MAIL S District Court
	r the trict of Michigan
TO: George Grant 1 Campus Drive	Civil Action, File Number 1:11-CV-233
Allendale, MI 49401	Gwanlun Kim
	Thomas J. Haas
You MUST COMPLETE the acknowledgment part of this within 21 days. An envelope has been enclosed for this purpose YOU MUST SIGN AND DATE THE ACKNOWLEDGM corporation, unincorporated association (including a partnersh relationship to that entity. If you are served on behalf of anoth indicate under your signature your authority. If you do not complete and return copies 1 and 2 of this for behalf you are being served) may be required to pay any exper manner permitted by law. If you do complete and return copies 1 and 2 of this form, y answer the complaint within 21 days for private defendants and	ENT ON ALL COPIES. If you are served on behalf of a ip), or other entity, you must indicate under your signature you er person and you are authorized to receive process, you must m to the sender within 21 days, you (or the party on whose uses incurred in serving a summons and complaint in any other you (or the party on whose behalf you are being served) must dor 60 days for Federal defendants. If you fail to do so.
judgment by default will be taken against you for the relief der I declare, under penalty of perjury, that this Notice and Ack was mailed on this date.	nowledgment of Receipt of Summons and Complaint By Mail
03/28/20T1 -5 8 Date of Signature	Christine Elmy Obt. on-Christine Elmy Obt. on-Christine Elmy Obt. on-Christine Elmy, On-USMS, Out-Will Obt. on-Christine Elmy, On-USMS, Out-Will Obt. on-Christine Elmy, On-USMS, Out-Will Obt. on-Christine Elmy Obt. on-USMS Official) Signature (USMS Official)
ACKNOWLEDGMENT OF RECEIPT I declare, under penalty of perjury, that I received a copy of manner at: 111 Lyon St. NW Ste. 900 Street Number and Street Name or P.O. Box No. Grand Received MI 49503) City, State and Zip Fode Signature	

Copy 1 - Clerk of Court Copy 2 - United States Marshals Service

Copy 3 - Addressee Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the

Western District of	Michigan
TO: Olivia A. Williams 1 Campus Drive Allendalc, MI 49401	Civil Action, File Number 1:11-CV-233 GwanJun Kim
	V. Thomas J. Haas
The enclosed summons and complaint are served pursuant to Rule Michigan State law. You MUST COMPLETE the acknowledgment part of this form by	
within 21 days. An envelope has been enclosed for this purpose. Kee YOU MUST SIGN AND DATH THE ACKNOWLEDGMENT Corporation, unincorporated association (including a partnership), or relationship to that entity. If you are served on behalf of another persindicate under your signature your authority. If you do not complete and return copies 1 and 2 of this form to the behalf you are being served) may be required to pay any expenses in manner permitted by law.	ON ALL COPIES. If you are served on behalf of a other entity, you must indicate under your signature your on and you are authorized to receive process, you must be sender within 21 days, you (or the party on whose
If you do complete and return copies 1 and 2 of this form, you (or answer the complaint within 21 days for private defendants and/or 60 judgment by default will be taken against you for the relief demanded	days for Federal defendants. If you fail to do so,
I declare, under penalty of perjury, that this Notice and Acknowle was mailed on this date.	Charioties Class Able conditions Elsey or USMS, ou AV
03/28/20TT > 8 (Signature (USMS Official)
City, State and Zil Code S	S Mail - June 3, 2011 Style of Process 3, 2011 late of Signature

Copy 2 - United States Marshals Service Copy 3 - Addressee

Copy 4 - USMS District Suspense

USM Form-299 Rev 05/10 Automated 10/03

U.S. Department of Justice United States Marshals Service

Copy 4 - USMS District Suspense



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court

for the Western District of Michigan

TO: Paula Lancaster	Civil Action, File Number 1:11-CV-233
I Campus Drive Allendale, MI 49401	
	GwanJun Kim
	V.
	Thomas J. Haas
	amazore.
The enclosed summons and complaint are served pursua Michigan State law.	int to Rule 4(c)(1) of the Federal Rules of Civil Procedure, and
You MUST COMPLETE the acknowledgment part of the within 21 days. An envelope has been enclosed for this put	nis form below, <u>AND RETURN COPIES 1 AND 2</u> to the sender spose. Keep copy 3 for your records.
corporation, unincorporated association (including a partner	MENT ON ALL COPIES. If you are served on behalf of a rship), or other entity, you must indicate under your signature your other person and you are authorized to receive process, you must
If you do not complete and return copies 1 and 2 of this sebalf you are being served) may be required to pay any expanner permitted by law.	form to the sender within 21 days, you (or the party on whose penses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this form answer the complaint within 21 days for private defendants judgment by default will be taken against you for the relief of	t, you (or the party on whose behalf you are being served) must and/or 60 days for Federal defendants. If you fail to do so, demanded in the complaint.
I declare, under penalty of perjury, that this Notice and A	cknowledgment of Receipt of Summons and Complaint By Mail
was mailed on this date.	Digitally signed by Christine Elmy
_03/28/20 1 1	Christine Elmy Dit on-Chickline Blow, on-USAASI, out-MV Date: 2011.06.18 12:39-37 -04:09 Date: 2011.06.18 12:39-37 -04:09
Date of Signature	Signature (USMS Official)
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ACKNOWLEDGMENT OF RECEI	PT OF SUMMONS AND COMPLAINT
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manner at:	
111 Lyon St. NW Ste. 900	Courses See See See See See See See See See
Street Number and Street Name or P.O. Box No.	Counsel for Paula Lancaster Relationship to Entity/Authority to Receive
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	US Mail - JUne 3, 2011
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Signature	Date of Signature
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U.S. Department of Justice United States Marshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court

	for th Western District	
10.	Elaine c. Collins 1 Campus Drive Allendale, MI 49401	Civil Action, File Number 1:11-CV-233 GwanJun Kim v. Thomas J. Haas
Michi Yo	e enclosed summons and complaint are served pursuant to F gan State law. u MUST COMPLETE the acknowledgment part of this form 21 days. An envelope has been enclosed for this purpose.	n below, AND RETURN COPIES 1 AND 2 to the sender
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behalf	ou do not complete and return copies 1 and 2 of this form to you are being served) may be required to pay any expenses a permitted by law.	the sender within 21 days, you (or the party on whose incurred in serving a summons and complaint in any other
answei	ou do complete and return copies 1 and 2 of this form, you or the complaint within 21 days for private defendants and/or cut by default will be taken against you for the relief deman-	60 days for Federal defendants. If you fail to do so,
I de was ma	clare, under penalty of perjury, that this Notice and Acknow ailed on this date.	Digitally signed by Christine Ekny
03/28/	2011 5118/11	Christine Elmy Dit or Christine Elmy, 0=USMS, our W/ Ul, small-chris.emy@sectol.gov, c=US Dobr 2011.05.18 12:39:37 04:00
Date of	Signature	Signature (USMS Official)
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	Lyon St. NW Ste. 900 Number and Street Name or P.O. Box No.	Counsel for Elaine C. Collins Relationship to Entity/Authority to Receive
City, St	d Rapids MI 49503	US Mail - June 3, 2011 Service of Process Survey 3, 2011
Signatu		Date of Signature

Copy 1 - Clerk of Court Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

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U.S. Department of Justice United States Marshals Service



United State	EIPT OF SUMMONS AND COMPLAINT BY MAIL s District Court
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Thomas J. Haas 1 Campus Drive Allendale, MI 49401	Civil Action, File Number 1:11-CV-233 GwanJun Kim
	Thomas J. Haas
Michigan State law.	to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
You <u>MUST COMPLETE</u> the acknowledgment part of this within 21 days. An envelope has been enclosed for this purpose.	form below, <u>AND RETURN COPIES 1 AND 2</u> to the sender ose. Keep copy 3 for your records.
YOU MUST SIGN AND DATE THE ACKNOWLEDGM corporation, unincorporated association (including a partnersh relationship to that entity. If you are served on behalf of anoth indicate under your signature your authority.	ip), or other entity, you must indicate under your signature your
If you do not complete and return copies 1 and 2 of this for behalf you are being served) may be required to pay any exper manner permitted by law.	m to the sender within 21 days, you (or the party on whose uses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this form, y answer the complaint within 21 days for private defendants an judgment by default will be taken against you for the relief der	you (or the party on whose behalf you are being served) must d/or 60 days for Federal defendants. If you fail to do so, manded in the complaint.
I declare, under penalty of perjury, that this Notice and Ack	mowledgment of Receipt of Summons and Complaint By Mail
was mailed on this date93/28/2011 5/118 11	Christine Elmy Dh: on-Christine Elmy o-USMS, ou-W/ Mt., email-order Elmy o-USMS, ou-W/ Mt., email-order elmy, o-USMS, ou-W/ Mt., email-order elmy, o-USMS, ou-W/ Date: 2011-05-18 12:39:37 -04007
Date of Signature	Signature (USMS Official)
ACKNOWLEDGMENT OF RECEIPT	OF SUMMONS AND COMPLAINT
I declare, under penalty of perjury, that I received a copy of manner at:	the summons and of the complaint in the above captioned
111 Lyon St. NW Ste. 900 Street Number and Street Name or P.O. Box No.	Counsel for Thomas J. Haas Relationship to Entity/Authority to Receive
Grand Rapids MI 4950)	US Mail - June 3, 2011
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Copy 2 - United States Marshals Service Copy 3 - Addressee Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

U.S. Department of Justice United States Warshals Service



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the

western Dist	rict of Michigan
TO: Grand Valley State Univ.	Civil Action, File Number 1:11-CV:233
College of Education 1 Campus Drive	GwanJun Kim
Allendale, MI 49401	<i>y</i> _*
	Thomas J. Haas
The enclosed summons and complaint are served pursuant Michigan State law.	to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and
You <u>MUST COMPLETE</u> the acknowledgment part of this within 21 days. An envelope has been enclosed for this purpo	form below, AND RETURN COPIES 1 AND 2 to the sender osc. Keep copy 3 for your records.
YOU MUST SIGN AND DATE THE ACKNOWLEDGM corporation, unincorporated association (including a partnersh relationship to that entity. If you are served on behalf of anoth indicate under your signature your authority.	ip), or other entity, you must indicate under your signature your
If you do not complete and return copies 1 and 2 of this for behalf you are being served) may be required to pay any exper manner permitted by law.	m to the sender within 21 days, you (or the party on whose uses incurred in serving a summons and complaint in any other
If you do complete and return copies 1 and 2 of this form, y answer the complaint within 21 days for private defendants an judgment by default will be taken against you for the relief der	ou (or the party on whose behalf you are being served) must d/or 60 days for Federal defendants. If you fail to do so, nanded in the complaint.
I declare, under penalty of perjury, that this Notice and Ack was mailed on this date.	nowledgment of Receipt of Summons and Complaint By Mail
-09/28/2011 5 13 15	Christine Elmy ON: car-Christine Elmy, cr-USMS, our-WE ON: care-Christine Elmy
Date of Signature	Signature (USMS Official)
ACKNOWLEDGMENT OF RECEIPT	OF SUMMONS AND COMPLAINT
I declare, under penalty of perjury, that I received a copy of manner at:	the summons and of the complaint in the above captioned
Street Number and Street Name or P.O. Box No.	Counsel for Grand Valley State Univ.
Grand Rapids MI 49503	US Mail - June 3, 2011
City, State and Zip (20de)	Service of Process
Signature	Date of Signature
Copy 1 - Clerk of Court Copy 2 - United States Marshals Service	* College of Education
Copy 3 - Addressee Copy 4 - USMS District Suspense	USM Form-299 Rev. 05/10 Automated 10/03

USN-MITTLUM 6pm 2:50

U.S. Department of Justice United States Marshals Service FILED - GR

June 29, 2011 11:06 AM
TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY MIC / SCANNED BY (140) (10-2)



NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court for the Western District of Michigan

USh-IMI'1129H28Ax19*33

TO:	Lois Smith Owens	
	Warner Norcross & Judd, LLP	ı
ļ	900 Fifth Third Ctr	
- Farming	111 Lyon St., NW	Ì
i	Grand Rapids, MI 49503	
	er ly contract	1

The state of the s

Civil Action, File Number	1:11-CV-233
GwanJı	on Kim
1	1.
Thomas	J. Hass

The enclosed summons and complaint are served pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure, and Michigan State law.

You <u>MUST COMPLETE</u> the acknowledgment part of this form below, <u>AND RETURN COPIES 1 AND 2</u> to the sender within 21 days. An envelope has been enclosed for this purpose. Keep copy 3 for your records.

YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT ON ALL COPIES. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return copies 1 and 2 of this form to the sender within 21 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

If you do complete and return copies 1 and 2 of this form, you (or the party on whose behalf you are being served) must answer the complaint within 21 days for private defendants and/or 60 days for Federal defendants. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint By Mail was mailed on this date.

06/16/2011

Date of Signature

Christine Elmy

Digitally signed by Christine Elmy DN: or "Christine Elmy, o=USMS, ou=W//MI email=chris.elmy@usdoj.gov, c=US Date: 2011.06.16 15:26:33 -0400*

Signature (USMS Official)

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above captioned manner at:

111 Lyon St. Nw, Ste. 900

Street Number and Street Name or P.O. Box No.

Grand Rapids, MI 49503

City, State and Zip Gude

Signature

Counsel for Grand Valley State Univ.

Relationship to Entity/Authority to Receive

US Mail - June 17, 2011

Service of Process

Date of Signature

Copy 1 - Clerk of Court

Copy 2 - United States Marshals Service

Copy 3 - Addressee

Copy 4 - USMS District Suspense

USM Form-299 Rev. 05/10 Automated 10/03

Exhibit E

The U.S. Marshals indicated that "Name of Marshals Service personal [U.S. Marshal Christine Elmy (b)(7)(C)] and third party [Kim IIdefendant Edward J. Bardelli] have been deleted" the Exhibit C and/or D



U.S. Department of Justice

United States Marshals Service

Office of General Counsel

Washington, D.C. 20530-0001

DEC 1-8 2017

Mr. GwanJun Kim 360 East Tuttle Rd., Lot 54 Ionia, MI 48846

RF.

Freedom of Information/Privacy Act Request No. 2018USMS32288

Subject: Service of Process on March 28, 2011

Dear Mr. Kirn:

The United States Marshals Service (USMS) is making a supplemental response to your Freedom of Information/Privacy Act (FOIA/PA) request for documentation that the USMS served the summons, and complaint to the defendant on March 28, 2011 in the case 1:11-cv-00233, and 1:16-CV-00309 -PLM-PJG, United States District Court for the Western District of Michigan.

Pursuant to your request for additional information pertaining to 1:11-cv-00233 and 1:16-CV-00309-PLM,-PJG, be advised that court records are not USMS records. However, six additional pages were previously located and are released to you with this letter. Names of Marshals Service personnel and third parties have been deleted pursuant to exemption (b) (7) (C) of the Freedom of Information Act, 5 U.S.C. 552. Exemption 7(C) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/home.portal.html. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information/ Privacy Act Appeal."

You may contact William E. Bordley or our FOIA Public Liaison, Cynthia Castaneda, at the telephone number listed above for any further assistance and to discuss any aspect of your request.

Case 1:18-cv-00107-RJJ-PJG ECF No. 1-1 filed 01/11/18 PageID.92 Page 90 of 124

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, email at ogis@nara.gov, telephone at 202-741-5770; toll free at 1-877-684-6448, or facsimile at 202-741-5769.

Sincerely, Leile I wassom

WILLIAM E. BORDLEY

Associate General Counsel/FOIPA Officer

Office of General Counsel

AO-440 (Days, 2000) Manasanis Inju Cloff Antique-LiftWD (Term, 1949)

SUMMONS IN A CIVIL ACTION United States District Court for the Western Dist

1:11-cv-233 Robert J. Janker U.S. District Judge

ADDRESS:

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UNITED STATES OF AMERICA UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

GWANJUN KIM,

Plaintiff.

Case No. 1:11-ev-233

١.

How. Robert J. Jonker

GRAND VALLEY STATE UNIVERSITY et al.

Defendant st.

ORDER TO PROCEED IN FORMA PAUPERIS

IT IS ORDERED that plaintiff in the above-entitled proceeding may commence this action without propayment of flees or costs or security therefor. Any pleadings herein served by the United States Marshal shall be at the expense of the United States government. All costs shall be reimbursed to the United States should the plaintiff prevail.

IT IS FURTHER ORDERIED that plaintiff shall serve upon defendants or, if appearance has been entered by an attorney, upon the attorney, a copy of every further pleading or other document submitted for consideration by the Court. The plaintiff shall mediate with the original paper to be filled with the Clerk of the Court a certificate stating the date a true and correct copy of any document was mailed to defendants or the attorney(s). Any paper received by a District Judge or Magistrate Judge which has not been filled with the Clerk or which fails to include a certificate of service will be disregarded by the Court.

Dated: March 21, 2011

s. Hugh W. Brenneman, Jr. BCGH W. BRENNEMAN, JR. United States Magistrate Judge

> Deputy Gight U.S. Destrict Court Wastern 1-75: C. Mertegen late 1/25/1/

Gase 1 11-or-0235-RJJ-HWB Dox #5 (Court only) Fied 03/25 11 Page 1 of 1 Page 0#51

memorandum

marg 03/22/2011

Arthur Marthu(ald)

FILED - GR March 25, 2011 11:30 AM

susser Gwandon Kira

w. Grand Valley State

TRACEY CORDES, CLERK
US DISTRICT COURT
AND RESERVED TO THE STATE OF TH

Case No. 1:11-cv-233

Magistrate Judgo Brenneman

The above case is a pro-per - forma pauperis case. Would you kindly advise us below if we should issue the summons and give them to the U. S. Marshal for service?

YES, SERVE -

NO

Dated: 3/25/11

Tiugh W. Brennemon

U.S. Magistrate Judge

By Control Court
Control Court
Vienery Disk of Michigan

Case 1:18-cv-00107-RJJ-PJG ECF No. 1-1 filed 01/11/18 PageID.96 Page 94 of 124

9

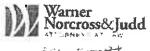
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U.S. DEPARTMENT OF JUSTICE UNITED STATES MARSHALS SERVICE

RECEIPT AND DISBURSEMENT RE

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June 3, 2011

EDWARD J. BARDELL

616,753.3165 FAL 616,222.2165

enardelluewhy.com

United States Marshals Service Attn: 運(b)·(7)(C) *

111 Michigan Ave NW Grand Rapids, MI 49503

Kim v. Grund Valley State University, et al., Case No. 1:11-cv-233

Dear Ms. Elmy:

I am authorized to receive service of the Summons and Complaint on hehalf of all of the Defendants in the above-referenced litigation. The Defendants did not begin to receive copies of the Notice and Acknowledgment of Reccipt of Summons and Complaint by Mail ("USM Form-299") until May 20, 2011. As requested on the USM Form-299's, I am returning signed USM Form-299's on behalf of the following Defendants in the above-referenced matter:

Grand Valley State University:

Grand Valley State University College of Community:

Grand Valley State University College of Education:

(b) (7)(C)

If you have any questions, please contact me.

LJB/dlh Enc. 44201426-1

Edward J. Bardelli

Very truly yours.

(b) (7)(C)



EDWARD J. SAMBELS 816,792,2165 FAX 616,222,2165

chardelli@vmj.com

June 20, 2011

United States Marshals Service Atm: (b) (7)(C) 111 Michigan Ave NW Grand Rapids, MI 49503 USB-UNITED AND THE BOOK

Re: Kim v. Grand Vailey State University, et al., Case No. 1:11-cv-233

Dear (b) (7)

I am authorized to receive service of the Summons and Complaint on behalf of Defendant (b) (7)(C) in the above-referenced litigation.
If you have any questions, please contact me.

Very truly yours,

Edward J. Bardeili

E3B/dlh Enc. 5329426-1

Exhibit F

Defendants Opposition to Plaintiff's Application for Entry of Default that "[March 28, 2011] Plaintiff [the U.S Marshals service] has not served any Defendant with copy of the Summons, his original Complaint" (*Kim I*, ECF No. 14 p.2)

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

GWANJUN KIM,

Plaintiff,

Case No. 1:11-cv-00233-RJJ-HWB

v.

GRAND VALLEY STATE UNIVERSITY, GRAND VALLEY STATE UNIVERSITY – COLLEGE OF EDUCATION, GRAND VALLEY STATE UNIVERSITY – COLLEGE OF COMMUNITY AND PUBLIC SERVICE, THOMAS J. HAAS, ELAINE C. COLLINS, PAULA LANCASTER, OLIVIA A. WILLIAMS, GEORGE GRANT, and LOIS SMITH OWENS.

Honorable Robert J. Jonker

Magistrate Judge Hugh W. Brenneman, Jr.

Defendants.

GwanJun Kim 360 East Tuttle Road Lot 54 Ionia, MI 48846 616.902.4344 gwanjun@hotmail.com PRO SE Edward J. Bardelli (P53849)
Gregory M. Kilby (P68266)
WARNER NORCROSS & JUDD LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, MI 49503
616.752.2000
ebardelli@wnj.com
gkilby@wnj.com
Attorneys for Defendants

COLLEGE VALLEY SEATE

DEFENDANTS' OPPOSITION TO PLAINTIFF'S APPLICATION FOR ENTRY OF DEFAULT

INTRODUCTION

On April 15, 2011, Plaintiff applied to this Court for entry of default against all of the named Defendants. But Plaintiff has yet to serve any of the Defendants as required by the

Federal Rules of Civil Procedure. This Court should therefore deny Plaintiff's Application for Entry of Default.

FACTUAL BACKGROUND

Plaintiff filed his original Complaint on March 9, 2011. (Dkt. #1.) The Summons for Plaintiff's original Complaint was issued on March 25, 2011. (See generally, Dkt.) Plaintiff did not serve, in accordance with the Federal Rules of Civil Procedure, the Summons or a copy of his original Complaint on any of the Defendants. (Id.) Then, on March 28, 2011, Plaintiff sought leave of court to file his First Amended Complaint. (Dkt. #6.) This Court granted Plaintiff's motion and deemed his First Amended Complaint to be filed on April 1, 2011. (Dkt. #8, 9.) As with his original Complaint, Plaintiff has not yet served, in accordance with the applicable rules, a copy of the Summons or his First Amended Complaint on any of the Defendants. (See generally, Dkt.)

Less than a week later, on April 7, 2011, Plaintiff purported to commence discovery. (Dkt. #10.) Aware that Plaintiff was representing himself and likely unfamiliar with the service requirements as set forth in the Federal Rules of Civil Procedure, on April 11, 2011, Defendants' counsel reached out to Plaintiff by e-mail and agreed to accept service of the First Amended Complaint by either regular or electronic mail. (Exhibit A.) To date, Plaintiff has not mailed a copy of the First Amended Complaint to Defendants' counsel.

ARGUMENT

It is axiomatic that one cannot obtain entry of a default against a party that has not yet been served. *Murphy Bros. v. Michetti Pipe Stringing*, 526 U.S. 344, 350 (1999) ("In the absence of service of process (or waiver of service by the defendant), a court ordinarily may not exercise power over a party the complaint names as defendant."), citing *Omni Capital Int'l, Ltd.*

v. Rudolf Wolff & Co., 484 U.S. 97, 104 (1987), and Miss. Publ'g Corp. v. Murphree, 326 U.S. 438, 444-45 (1946). The Sixth Circuit has been explicit: "there must be effective service of process on a defendant before an entry of default can be made." Sandoval v. Bluegrass Regional Mental Health-Mental Retardation Board, 2000 WL 1257040, *5 (6th Cir. 2000), citing, 10A WRIGHT, MILLER & KANE, FED. PRAC. & PROC. CIV. 3d § 2682. Because Plaintiff has failed to properly serve any of the named Defendants in accordance with the Federal Rules of Civil Procedure, this Court must deny Plaintiff's Application for Entry of Default.

I. PLAINTIFF HAS NOT PROPERLY SERVED HIS FIRST AMENDED COMPLAINT ON DEFENDANTS.

Service upon an individual from whom a waiver has not been obtained and filed may be effected pursuant to the law of the state in which the district court is located, by delivering a copy of the summons and complaint to the individual personally, by leaving copies with an appropriate person residing at the defendant's usual place of abode or by delivering a copy of the summons and complaint to an agent authorized by appointment or law to receive service of process. Fed. R. Civ. P. 4(e). Service upon a corporation, partnership, or association from whom a waiver has not been obtained and filed may be effected pursuant to the law of the state in which the district court is located, by delivering a copy of the summons and complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and by also mailing a copy of each to the defendant. Fed. R. Civ. P. 4(h). Michigan Court Rule 2.105 provides that process may be served on a resident or nonresident individual by:

(1) delivering a summons and a copy of the complaint to the defendant personally; or (2) sending a summons and a copy of the complaint by registered or certified mail, return receipt requested, and delivery restricted to the addressee. Service is made when the defendant

acknowledges receipt of the mail. A copy of the return receipt signed by the defendant must be attached to proof showing service under subrule (A)(2).

M.C.R. 2.105(A).

Plaintiff has not served any Defendant with a copy of the Summons, his original Complaint, or his First Amended Complaint according to *any* of the aforementioned methods. Moreover, even after Defendants' counsel agreed to accept service on behalf of Defendants by regular or electronic mail, Plaintiff never sent or e-mailed a copy of the Summons or the First Amended Complaint to Defendants' counsel. Indeed, in both Plaintiff's Application for Entry of Default and his affidavit in support, Plaintiff relies merely on this Court's *issuance* of the summons. (*See* Dkt. #11 at 1, Dkt. #12 at 1.) Because Plaintiff has not properly served Defendants with his Amended Complaint, he is not entitled to entry of the default requested in his application. *Moseley v. Faurecia Automotive Seating, Inc.*, No. 08-10130, 2008 WL 1925051, at *3 (setting aside entry of default due to plaintiff's failure to effectuate service upon defendants.) Consequently, Plaintiff's Application for Entry of Default should be denied.

Conclusion

For the foregoing reasons, Defendants respectfully request that this Court deny Plaintiff's Application for Entry of Default.

Dated: April 19, 2011

/s/ Gregory M. Kilby

Edward J. Bardelli (P53849) Gregory M. Kilby (P68266)

WARNER NORCROSS & JUDD LLP

900 Fifth Third Center 111 Lyon Street, N.W. Grand Rapids, MI 49503 616.752.2000

ebardelli@wnj.com

gkilby@wnj.com

Attorneys for Defendants

5424237-1

Exhibit G

Exhibit G On June 26, 2012 at Six circuit Court Appellee's Brief that

"[March 28, 2011] *Kim I* plaintiff [the U.S Marshals service] did not serve the Summons or a copy of his Complaint on any Defendants" (Case :12-1401 filed 06/26/2012 p. 40).

No. 12-1401

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

GWANJUN KIM

Plaintiff-Appellant

v.

GRAND VALLEY STATE UNIVERSITY, GRAND VALLEY STATE UNIVERSITY—COLLEGE OF EDUCATION, GRAND VALLEY STATE UNIVERSITY—COLLEGE OF COMMUNITY AND PUBLIC SERVICE, THOMAS J. HAAS, ELAINE C. COLLINS, PAULA LANCASTER, OLIVIA A. WILLIAMS, GEORGE GRANT, and LOIS SMITH OWENS.

Defendants-Appellees

On Appeal from the United States District Court for the Western District of Michigan Docket No. 1:11-cv-00233 The Honorable Robert J. Jonker

APPELLEES' BRIEF

Dated: June 26, 2012

Edward J. Bardelli Gregory M. Kilby Warner Norcross & Judd LLP 900 Fifth Third Center, 111 Lyon Street, N.W. Grand Rapids, Michigan 49503-2487 Telephone: (616) 752-2000

E-mail: <u>ebardelli@wnj.com</u>

Attorneys for Defendants-Appellees

Case: 12-1401 Document: 10 Filed: 06/26/2012 Page: 40

II. The District Court Properly Denied Plaintiff's Repeated Requests to Enter a Default Judgment Against Defendants When Defendants Timely Answered the Complaint.

Kim filed his original complaint on March 9, 2011. (R. 1, Compl., Pg. ID 1-47.) The Summons was issued on March 25, 2011. Kim did not serve the Summons or a copy of his Complaint on any Defendants. Then, on March 28, 2011, Kim sought leave to file his Amended Complaint. (R. 6, Mtn., Pg. ID 54-56.) The Court granted Kim's motion and deemed his Amended Complaint filed on April 1, 2011. (R. 8, Order, Pg. ID 78 and R. 9, Am. Compl., Pg. ID. 79-98.) As with his original Complaint, Kim did not serve a copy of the Summons or his Amended Complaint on any Defendants.

Aware that Kim was representing himself and likely unfamiliar with the service requirements as set forth in the Federal Rules of Civil Procedure, on April 11, 2011, Defendants' counsel reached out to Kim by e-mail and agreed to accept service of the Amended Complaint by either regular or electronic mail. (R. 20, Ex. A. to Resp. to Mtn. for Default, Pg. ID 127.) Kim, however, did not accept the invitation and never served the Amended Complaint on any Defendants or Defendants' counsel. Instead, apparently believing that the Summons provided to the U.S. Marshal's office constituted service, Kim improperly applied to the

CONCLUSION AND REQUESTED RELIEF

For the foregoing reasons, Defendants respectfully request that the Court affirm the district court's decision.

Dated: June 26, 2012 s/ Edward J. Bardelli

Edward J. Bardelli Gregory M. Kilby Warner Norcross & Judd LLP 900 Fifth Third Center 111 Lyon Street, N.W. Grand Rapids, Michigan 49503-2487

Telephone: (616) 752-2000 E-mail: ebardelli@wnj.com

Attorneys for Defendants-Appellees

Exhibit H

On April 27,2016 Kim II Brief in Support of Motion to dismiss that

"there "is no evidence that [Marsh 28, 2011] defendants were served prior to [the]filing of [the] additional application" and there was no basis for the Clerk's Office to enter either a default or a default judgment against any defendants" (*Kim II* Dkt. 1-5, PageID. 34-35)" (Case no 1:16-cv-00309-RJJ-PJG, ECF No 21 PageID 76-77).

Case 1:16-cv-00309-RJJ-PJG ECF No. 21 filed 04/27/16 PageID.67 Page 1 of 15

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

GWANJUN KIM,

Case No. 1:16-CV-309

Plaintiff,

Hon. Paul L. Maloney

V.

GRAND VALLEY STATE UNIVERSITY;
THOMAS J. HAAS; GRAND VALLEY
STATE UNIVERSITY, COLLEGE OF
EDUCATION; ELAINE C. COLLINS;
PAULA LANCASTER; OLIVIA A.
WILLIAMS; GRAND VALLEY STATE
UNIVERSITY, COLLEGE OF
COMMUNITY AND PUBLIC SERVICE;
GEPRGE GRAMT [sic]; LOIS SMITH
OWENS; EDWARD J BARDELLI;
GREGORY M. KILBY,

Defendant.	

BRIEF IN SUPPORT OF MOTION TO DISMISS

II. Collateral Estoppel precludes Kim from relitigating his claims.

Kim's complaint fails to state a "claim to relief that is plausible on its face" because it is based entirely on two issues that have already been resolved against him: (1) whether the Kim I defendants were served prior to his application for entry of default; and (2) whether counsel for the Kim I defendants made misrepresentations regarding service. The re-litigation of these issues is barred by collateral estoppel, and accordingly Mr. Kim's Complaint should be dismissed.

The doctrine of collateral estoppel (also known as "issue preclusion") dictates that "once a court has decided an issue of fact or law necessary to its judgment, that decision may preclude relitigation of the issue in a suit on a different cause of action involving a party to the first case." *N.A.A.C.P.*, *Detroit Branch v. Detroit Police Officers Ass'n (DPOA)*, 821 F.2d 328, 330 (6th Cir. 1987)(citing *Allen v. McCurry*, 449 U.S. 90, 94, 101 S.Ct. 411, 414, 66 L.Ed.2d 308 (1980); and C. Wright, Law of Federal Courts 678-96 (4th ed. 1983)). Collateral estoppel applies where four requirements are met: "(1) the precise issue raised in the present case must have been raised and actually litigated in the prior proceeding; (2) determination of the issue must have been necessary to the outcome of the prior proceeding; (3) the prior proceeding must have resulted in a final judgment on the merits; and (4) the party against whom estoppel is sought must have had a full and fair opportunity to litigate the issue in the prior proceeding." *N.A.A.C.P.*, *Detroit Branch*, 821 F.2d at 330.

First, the issue of whether the *Kim I* defendants were served with process has been actually litigated on at least twelve prior occasions. Each time, the Court has resolved the issue against Kim. One such Order, dated June 29, 2011, is attached as Exhibit 5 to the *Kim II* Complaint. The June 29, 2011 Order specifically finds that there "is no record that the Clerk's Office re-issued summonses to serve the amended complaint", "there is no evidence that

defendants were served prior to [the first application for default]", there "is no evidence that defendants were served prior to the filing of [the] additional applications", and "there was no basis for the Clerk's Office to enter either a default or a default judgment against any defendant." (Kim II Dkt. 1-5, PageID.34-35.)

Likewise, the allegation of misrepresentation regarding service has been litigated and resolved against Kim on numerous occasions. For example, on October 9, 2012, Judge Jonker found that "Plaintiff has not shown fraud, misrepresentation, or misconduct by an opposing party, let alone by clear and convincing evidence." (Kim I, Dkt. 209, PageID.1483.) The Sixth Circuit agreed, finding "Kim's allegation that the defendants fabricated an email that they presented to the court lacks merit." (Ex. 2, CA 6 09/11/2013 Order on Case No. 12-2407 at 3.)

The remaining requirements for collateral estoppel are met as well. The litigation of these issues was necessary to the outcome of the proceeding because Kim asserted them as a basis for default, default judgment, and relief under Rule 60. (See e.g. Kim I Dkts. 11, 80, and 202, PageID.100-101, 492-498, 1435-1460.) The proceeding resulted in a final judgment on the merits, as the court found against Kim on these issues numerous times and ultimately granted the Kim I defendants' motion to dismiss under Rule 12(b)(6). Lastly, Kim has undoubtedly had "a full and fair opportunity to litigate the issue" where he has raised the same issue on twelve separate occasions, including on appeal to the Sixth Circuit.

In sum, Kim's Complaint is based entirely on issues that he is precluded from relitigating under the doctrine of collateral estoppel. Accordingly, this Court should dismiss the Complaint and prevent further waste of the Defendants' and this Court's resources.

Case 1:18-cv-00107-RJJ-PJG ECF No. 1-1 filed 01/11/18 PageID.112 Page 110 of 124

Case 1:16-cv-00309-RJJ-PJG ECF No. 21 filed 04/27/16 PageID.81 Page 15 of 15

Dated: April 27, 2016 /s/ Kristina M. Araya

Edward J. Bardelli (P53849)
Kristina M. Araya (P74507)
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Grand Rapids, Michigan 49503-2487
616.752.2712
ebardelli@wnj.com
karaya@wnj.com

Attorney for Defendants

Photos .

Exhibit I

On August 25, 2017 Kim II Appellees' counsel, Conor B. Dugan "knowingly statement material to a false 31 U.S.C. § 3729(a)(1)(B) that Indifference "there "is no evidence that [Marsh 28, 2011]defendants were served prior to filing of [the] additional application" and there was no basis for the Clerk's Office to enter either a default or a default judgment against any defendants" (id. at 2, Pg.ID 35.)" Appellees' Brief Case: 16-2321 filed 08/25/2017 p.19.

No. 16-2321

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

GWANJUN KIM

Plaintiff-Appellant

V.

GRAND VALLEY STATE UNIVERSITY; GRAND VALLEY STATE UNIVERSITY, COLLEGE OF EDUCATION; GRAND VALLEY STATE UNIVERSITY, COLLEGE OF COMMUNITY AND PUBLIC SERVICE; THOMAS J. HAAS; ELAINE C. COLLINS; PAULA LANCASTER; OLIVIA A. WILLIAMS; GEORGE GRANT; LOIS SMITH OWENS; EDWARD J. BARDELLI, and GREGORY M. KILBY

Defendants-Appellees

On Appeal from the United States District Court for the Western District of Michigan Docket No. 1:16-cv-00309 The Honorable Robert J. Jonker

APPELLEES' BRIEF

Dated: August 25, 2017

Edward J. Bardelli Matthew T. Nelson Conor B. Dugan Warner Norcross & Judd LLP 900 Fifth Third Center 111 Lyon Street, N.W. Grand Rapids, Michigan 49503-2487 Telephone: (616) 752-2000

E-mail: conor.dugan@wnj.com Attorneys for Defendants-Appellees Case 1:18-cv-00107-RJJ-PJG ECF No. 1-1 filed 01/11/18 PageID.115 Page 113 of 124

there "is no evidence that defendants were served prior to the filing of [the] additional applications," and "there was no basis for the Clerk's Office to enter either a default or a default judgment against any defendant." (*Id.* at 2, Pg.ID 35.)

This Court has already agreed. In its order affirming the district court's dismissal of Kim's complaint in *Kim I*, this Court held that "nothing in the record indicates that Kim actually served the defendants with the amended complaint.

Their answer—which waived service—was therefore timely." (*Kim I* R.217, Order 5, Pg.ID 1501.)

Likewise, Kim's allegation of misrepresentation regarding service has been litigated and resolved against Kim on numerous occasions. For example, on October 9, 2012, the district court held that "Plaintiff has not shown fraud, misrepresentation, or misconduct by an opposing party, let alone by clear and convincing evidence." (*Kim I*, R.209, Order 2, Pg.ID 1483.)

Again, this Court agreed. It held that "Kim's allegation that the defendants fabricated an email that they presented to the court lacks merit." (*Kim I* R.233, Order 3, Pg.ID 1728.) Further, it held that Kim's "remaining general allegations of fraud underlying the defendants' actions and the court's decisions in the defendants' favor merely restate arguments that the district court already rejected in dismissing his complaint and do not meet the standards of Rule 60(b)(3) or Rule 60(d)(3)." (*Id.*)

Case 1:18-cv-00107-RJJ-PJG ECF No. 1-1 filed 01/11/18 PageID.116 Page 114 of 124

Furthermore, the district court correctly held that the remaining requirements for collateral estoppel were present. The litigation of these issues was necessary to the outcome of *Kim I* because Kim asserted them as a basis for default, default judgment, and relief under Rule 60. (*See*, *e.g.*, *Kim I* R.11, Appl. for Default, Pg.ID 100-01; R.80, Mot. for Default J., Pg.ID 492-98; R.202, Mot. for Relief from J., Pg.ID 1435-60.) *Kim I* resulted in a final judgment on the merits, as the district court entered orders holding against Kim on these issues numerous times and ultimately granted the *Kim I* defendants' motion to dismiss under Rule 12(b)(6). Finally, Kim undoubtedly had "a full and fair opportunity to litigate the issue." Kim has raised the same issue on twelve separate occasions, including on appeal to the Sixth Circuit.

Indeed, that is why this Court has already held that "[t]here is no arguable basis to challenge the district court's determination" that the four requirements of collateral estoppel were "satisfied" in this case. (5/3/2017 Order Den. Mot. for IFP 3.)

In sum, the trial court did not err. The *Kim II* complaint is based entirely on issues that Kim was barred from relitigating by collateral estoppel. Accordingly, this Court should affirm the district court.

Case 1:18-cv-00107-RJJ-PJG ECF No. 1-1 filed 01/11/18 PageID.117 Page 115 of 124

CONCLUSION AND REQUESTED RELIEF

The district court and this Court have already determined that this appeal is frivolous. Defendants respectfully request that this Court affirm the district court. Further, because Kim's appeal is frivolous, this Court should hold that he is subject to sanctions under Federal Rule of Appellate Procedure 38.

Dated: August 25, 2017

s/Conor B. Dugan

Edward J. Bardelli Matthew T. Nelson Conor B. Dugan Warner Norcross & Judd LLP 900 Fifth Third Center 111 Lyon Street, N.W. Grand Rapids, Michigan 49503-2487

Telephone: (616) 752-2000 E-mail: conor.dugan@wnj.com

Attorneys for Defendants-Appellees

Exhibit J

Kim I, docket 7 pageID 77 Proof of Service, docket 52-3 Page ID279 appears, and the U.S post office receipt appears (Kim I, docket, 52-3 Page ID 281) that Kim I actually served the defendants with the amended complaint.

Case 1:11-cv-00233-RJJ-HWB ECF No. 7 filed 03/28/11 PageID.77 Page 1 of 1

FILED - GR

March 28, 2011 2:43 PM
TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY MS. / SCARRED BY 75 3728

THE UNITED STATES DISTRICT COURT WESTERN DISTICT OF MICHIGAN

GWANJUN KIM

Case No. 1:11 cv233 HON, ROBERT J. JONKER

Plaintiff.

Vs

GRAND VALLEY STATE UNIVERSITY, et al.,

Defendants.

PROOF OF SERVICE

On the date below, I filed with Court and sent by first class mail a copy of a: MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT AND APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF, and Proof of Service to

Grand Valley State University, Thomas J. Haas, GVSU College of Education, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, GVSU College of Community and Public Service, George Grant, Lois Smith Owens.

1 Campus Drive Allendale, MI 49401-9403

Interesting party (future represent defendants' attorney):
Mr. Edward J. Bardelli
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids, MI 49503-2487

I declare that the statements above are true to the best of my information knowledge, and belief.

Dated: March 25, 2011

GwanJun Kir

THE UNITED	STATES	DISTRICT	COURT
WESTERN	DISTICT	OF MICHI	GAN

GWANJUN KIM

Case No. 1:11 cv233 HON. ROBERT J. JONKER

Plaintiff,

Vs

GRAND VALLEY STATE UNIVERSITY, et al.,

Defendants,

PROOF OF SERVICE

On the date below, I filed with Court and sent by first class mail a copy of a: MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT AND APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF, and Proof of Service to

Grand Valley State University, Thomas J. Haas, GVSU College of Education, Elaine C. Collins, Paula Lancaster, Olivia A. Williams, GVSU College of Community and Public Service, George Grant, Lois Smith Owens.

1 Campus Drive Allendale, MI 49401-9403

Interesting party (future represent defendants' attorney):
Mr. Edward J. Bardelli
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids, MI 49503-2487

I declare that the statements above are true to the best of my information knowledge, and belief.

Dated: March 25, 2011 War Fall Command Community Kim

22

MELÆR STORE #903

2770 S State Rd

Ionia, MI, 48846-8472

254710-8001

03/25/2011 07:54:03 AM

------ Sales Receipt ------Sale Final Product Price Qty Description De \$2.24 1 1st Large Env (Domestic) 16 (GRAND RAPIDS, MI 49503) (Weight: 0 Lb 8.20 0z) \$1.56 1st Large Env 1 (Domestic) 1 (GRAND RAPIDS, MI 49503) (Weight: 0 Lb 4.45 02) \$1.56 1st Large Env (Domestic) (ALLENDALE, MI 49401) (Weight: 0 Lb 4.40 0z)

Total \$5.36

Cash \$5,36

Thank you!

Bili#: 1-13367-1-434016-2

Clerk. Elikulia

at the trial on stamps and postage

meijer

lonia, Mi - # 303 (616) 527-9200 meljer.com

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Your fast and friendly checkout was provided by ELLEN

NUMBER OF ITEMS

See Service Desk or Meijer.com for promotional and sale item return details.

Tx:16 Op:1027134 Tm:140 St:303 07:57:00

Exhibit K

Defendants admitted that defendants received the Amended Complaint

Exhibit A

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

GWANJUN KIM,

Plaintiff,

٧

Case No. 1:11-ev-00233-RJJ-HWB

Honorable Robert J. Jonker

Magistrate Judge Hugh W. Brenneman, Jr.

GRAND VALLEY STATE UNIVERSITY, GRAND VALLEY STATE UNIVERSITY – COLLEGE OF EDUCATION, GRAND VALLEY STATE UNIVERSITY – COLLEGE OF COMMUNITY AND PUBLIC SERVICE, THOMAS J. HAAS, ELAINE C. COLLINS, PAULA LANCASTER, OLIVIA A. WILLIAMS, GEORGE GRANT, and LOIS SMITH OWENS,

Defendants.

GwanJun Kim
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PRO SE

Edward J. Bardelli (P53849)
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616.752.2000
ebardelli@wnj.com
gkilby@wnj.com
Attorneys for Defendants

DEFENDANTS' ANSWERS TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

Defendants answer Plaintiff's First Requests for Admissions as follows:

1. Admit that Exhibits id 1-19, Exhibits 20 and 9 are same, Exhibits A-E (at Dkt 73) the all Documents in Possession or Control of Plaintiff and Defendants.

ANSWER: Defendants object to this Request for Admission because it is vague and ambiguous. Subject to and without waiving this objection, Defendants cannot truthfully admit or deny this Request for Admission because it is incomprehensible.

22. Admit that Each Defendant received Dkt # 1 Complaint.

ANSWER: Admitted.

23. Admit that Defendants received Dkt # 6 Amended Complaint.

ANSWER: Defendants admit only that their counsel received Docket No. 6. To the extent that this Request to Admit purports to seek any other admission, Defendants deny the remainder of this Request to Admit as untrue.

24. Admit that Defendants received Dkt # 8 order.

ANSWER: Defendants admit only that their counsel received Docket No. 8. To the extent that this Request to Admit purports to seek any other admission, Defendants deny the remainder of this Request to Admit as untrue.

25. Admit that Defendants received Dkt # 10 First set of interrogatories and first request for production of documents (Fatered: 04/15/2011).

ANSWER: Defendants admit only that their counsel received Docket No. 10. To the extent that this Request to Admit purports to seek any other admission, Defendants deny the remainder of this Request to Admit as untrue.

26. Admit that Defendants filed untimely answer to the amended complaint due to April 22, 2011.

ANSWER: Denied as untrue.

27. Admit that Defendants failure to appear Amended Complaint was willful because It was four (4) times served before, the Amended complain was answer due are patently insufficient to establish a reasonable excuse for the default.

ANSWER: Denied as untrue.

28. Admit that the summons this Court delivers to the U.S. Marshal and the U.S. Marshal delivers to Defendants timely.

ANSWER: Defendants object to this Request for Admission because it is vague and ambiguous. Subject to and without waiving this objection, Defendants cannot truthfully

35. Admit that Defendants' insurance company Marsh USA Inc has cover, each nine (9) Defendant liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for payments made to satisfy judgment.

ANSWER: Defendants object to this Request for Admission because it is vague and ambiguous. Subject to and without waiving this objection, Defendants cannot truthfully admit or deny this Request for Admission because it is incomprehensible.

36. Admit that Defendants' insurance company Marsh USA Inc will not offered any money to settle this lawsuit.

ANSWER: Denied as untrue.

37. Admit that Defendants will not offer any money to settle this lawsuit.

ANSWER: Denied as untrue.

38. Admit that Plaintiff continues to have emotionally pain, weakness, loss of function and loss of endurance in his right Title VI, and § 1983 as result of the Defendants' violated.

ANSWER: Defendants cannot truthfully admit or deny this Request for Admission because, at this time, Defendants are unable to ascertain Plaintiff's emotions.

Dated: October 6 . 2011

Edward J. Bardelli (P53849) Gregory M. Kilby (P68266) WARNER NORCROSS & JUDD LLP

900 Fifth Third Center 111 Lyon Street, N.W. Grand Rapids, MI 49503

616 752.2000 chardelli@wnj.com gkilby@wnj.com

Attorneys for Defendants

\$750997-1

THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO **EASTERN DIVISION**

GWANJUN KIM

GWA	ANJUN KIM	:	Case No.
		:	Judge:
	v.	:	Corporate Disclosure Statement
CD A	NI) VALLEY CTATE INDUCEDOR	:	
UKA	ND VALLEY STATE UNIVERSI	:	
		:	
held corpor	mental corporate party to a proceeding manent identifying all of its parent, subsidiary ompany that "controls, is controlled by, or ration." A party must file the statement up.	ust file a and oth is under	provisions in Local Civil Rule 7.1.1: Any non- a Corporate Affiliations/Financial Interest her affiliate corporations and listing any publicly or common control with a publicly controlled g a complaint, answer, motion, response or other gation to disclose any changes will be continuing
	In Compliance with those provisions, thi	s Corpo	rate Disclosure Statement is filed on behalf of:
	GWANJUN KIM		
1.	Is said party a parent, subsidiary or other YES ✓ NO If the answer is YES, list below the ident and the relationship between it and the na	ity of th	e parent, subsidiary or other affiliate cornoration
2.	Is there a publicly owned corporation, not outcome?	t a party	to the case, that has a financial interest in the
	YESNO		
	If the answer is YES, list the identity of su	uch corp	poration and the nature of the financial interest.
(Signature of Counsel		01/12/2018 Date

"Certificate of Service"

COUNSEL ARE REMINDED OF THEIR CONTINUING OBLIGATION TO UPDATE AND SUPPLEMENT THIS STATEMENT